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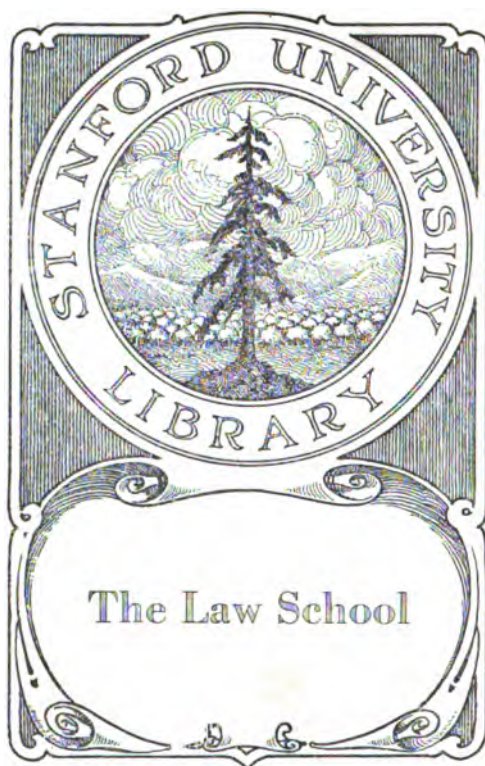
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22 August 1944



1



SPECIAL LAWS
OF THE
STATE OF MINNESOTA,

PASSED DURING THE
SIXTEENTH SESSION OF THE STATE LEGISLATURE,

COMMENCING JANUARY SIXTH, ONE THOUSAND EIGHT HUNDRED AND
SEVENTY-FOUR, AND TERMINATING MARCH SIXTH, ONE
THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

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GEORGE B. BROWN

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SPECIAL LAWS OF MINNESOTA.

PASSED AND APPROVED AT THE SIXTEENTH SESSION OF THE STATE LEGISLATURE,
COMMENCING JANUARY SIXTH, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-
FOUR, AND TERMINATING MARCH SIXTH, ONE THOUSAND EIGHT HUNDRED AND
SEVENTY-FOUR.

CHAPTER I.

AN ACT ENTITLED AN ACT TO REDUCE THE LAW INCORPORATING THE
CITY OF ST. PAUL, IN THE COUNTY OF RAMSEY, AND STATE OF
MINNESOTA, AND THE SEVERAL ACTS AMENDATORY THEREOF,
AND CERTAIN OTHER ACTS RELATING TO SAID CITY, INTO ONE
ACT, AND TO AMEND THE SAME.

Be it enacted by the Legislature of the State of Minnesota :

That the several acts of the Legislature of this State incorporat-
ing the City of Saint Paul, and the several acts and parts of acts
amendatory thereof, and certain acts hereinafter referred to relating
to said city, be and the same are hereby amended, consolidated and
incorporated into one act, as follows :

CHAPTER I.

CITY AND WARD BOUNDARIES.

SECTION. 1. All the district of country in the county of Ramsey
contained within the limits and boundaries hereinafter described,
shall be a city by the name of Saint Paul, and the people now

inhabiting, and those who shall hereafter inhabit, within the district of country herein described, shall be a municipal corporation by the name of the "City of Saint Paul," and by that name shall sue and be sued; complain and defend in any court; make and use a common seal and alter it at pleasure; and take, hold and purchase, lease and convey such real and personal or mixed estate as the purposes of the corporation may require, within or without the limits aforesaid; shall be capable of contracting and being contracted with; and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession.

SEC. 2. The district of country aforesaid, constituting the "City of Saint Paul" and the limits and boundaries thereof, shall be as follows: All of sections numbered twenty-three (23), twenty five, (25), twenty-six (26), thirty-five (35), thirty-six (36), the east half of section twenty-two (22), and the north half of the north-east quarter of section twenty-seven (27), all in township number twenty-nine (29), north of range twenty-three (23) west; all of sections twenty-nine (29), thirty (30), thirty-one (31), thirty-two (32), thirty-three (33), and the south half, and north-west quarter of section twenty-eight (28), all in township number twenty-nine (29), north of range twenty-two (22) west; all of sections (1), two (2), eleven, (11), and so much of section twelve (12), as lies north of the middle of the Mississippi river, all in township number twenty-eight (28), north of range twenty-three (23) west; and so much of sections five (5), six (6) and seven (7), in township number twenty-eight (28), north of range twenty-two (22) west, as lies north of the middle of the Mississippi River; and all that portion of section four (4) in township number twenty-eight (28), north of range number twenty-two (22) west, lying northeasterly of the centre of the Mississippi River, including the islands therein, to-wit.: Ames', Boal and Lamb's Islands, Raspberry, Barnes and Harriet Islands, being bounded as follows, to-wit.: commencing where the south line of section four (4), town twenty-eight (28), north of range twenty-two (22) west, intersects the centre of the Mississippi River, thence east along said south line of section four (4), to the southeast corner of said section, thence north along the east line of said section, and along the east lines of sections thirty-three (33) and twenty-eight (28), town twenty-nine (29), north of range twenty-two (22) west, to the quarter-section corner on the east line of said section twenty-eight (28), thence west along quarter-section line to the centre of said section twenty-eight (28), thence north along quarter-section line to the quarter-section corner on the north line of said section twenty-eight (28), thence west along the north line of said

section twenty-eight (28), and along the north lines of sections twenty-nine (29) and thirty (30), town twenty-nine (29), north of range twenty-two (22) west, and along the north line of section twenty-five (25), town twenty-nine (29), north of range twenty-three (23) west, to the northwest corner of said section twenty-five (25), thence north along the east line of section twenty-three (23), town twenty-nine (29), north of range twenty-three (23) west, to the north-east corner of said section twenty-three (23), thence west along the north line of said section twenty-three (23), and along the north line of section twenty-two, town twenty-nine (29), north of range twenty-three (23) west, to the quarter-section corner on the north line of said section twenty-two (22), thence south along quarter-section line to the quarter-section corner on the south line of said section twenty-two (22), thence south to the south-west corner of the north half of the north-east quarter of section twenty-seven (27), town twenty-nine (29), north of range twenty-three (23) west, thence east along the south line of said north half of said north-east quarter of said section twenty-seven (27), town twenty-nine (29), range twenty-three (23) west, to the west line of section twenty-six (26,) town twenty-nine (29), north of range twenty-three (23) west, thence south along the west lines of sections twenty-six (26) and thirty-five (35), town twenty-nine (29), north of range twenty-three (23) west, and along the west lines of sections two (2) and eleven (11), town twenty-eight (28), north of range twenty-three (23) west, to the south-west corner of said section eleven (11), thence east along the south line of said section eleven, (11), to the centre of the Mississippi River, thence along the centre of the Mississippi River to the point of beginning, and including Harriet, Barnes', Raspberry and Boal's Islands.

SEC. 3. The said city shall be divided into five wards, to be called the First, Second, Third, Fourth and Fifth wards, limited and bounded as follows: All the district of country and territory east of the middle of Broadway and Mississippi streets and the New Canada road, extending from the Mississippi river to the northern boundary of the city, shall be the Fifth ward. All the district of country and territory between the west line of the Fifth ward and a line commencing at the Mississippi river and extending along the center of Jackson and Sylvan streets, and thence due north to the northern boundary of the city shall be the First ward. All the district of country and territory between the west line of the First ward, south of Minnehaha street, and a line commencing at the Mississippi river and extending along the centre of Wabasha street to its terminus, thence along the centre of Bluff street to the line dividing blocks seven and eight (7 and 8), in Ewing and Chute's addition, thence north along said line to the center of Aurora ave-

nue, thence along the center of Aurora avenue to the center of Park avenue, thence along the center of Park avenue to the center of Minnehaha street, thence along the center of Minnehaha street to the westerly line of the First ward, shall be the Second ward. All the district and country between the west line of the Second ward and a line commencing at the Mississippi river and extending up the center of Eagle street to the center of Exchange street, thence along the center of Exchange street to the center of Third street, thence along the center of Third street to its intersection with Dayton and Summit avenues, thence along the center of Summit avenue to the center of Rice street, thence along the center of Rice street to its northern terminus, thence due north to the northern boundary of the city, thence east along said northern boundary to the west line of the First ward, thence south along said west line to the center of Minnehaha street, thence along the center of Minnehaha street to the center of Park avenue, shall be the Third ward. The Fourth ward shall comprise all the district of country and territory lying west of the west line of the Third ward, and east of the west line of the city, and extending north from the center of the Mississippi river, including Harriet island, to the north line of the city.

SEC. 4. The common council of said city may change the boundaries of the several wards in said city, or increase the number of such wards, by ordinance for that purpose; but no such change or increase shall be made within three months prior to the date of a general or charter election in said city, or a special election in a ward.

CHAPTER II.

ELECTIONS.

SECTION 1. There shall be an annual election by the qualified electors of said city, for elective officers hereinafter provided, held on the second Tuesday of December in each year, in each election district in said city, now or hereafter established, and at such place or places in such election districts as the common council shall designate; and the polls shall be kept open from nine o'clock in the forenoon until five o'clock in the afternoon; and ten days previous notice shall be given by the common council of the time and place of holding such election, and of the officers to be elected. Each ward of said city, now or hereafter established, shall be an election district: *Provided*, That the common council shall, where the same has not already been done, divide each and every ward of said city, now or hereafter to be established, into two or more election districts, which shall be numbered as the first, second, &c.,

election district of such ward. *And provided further*, That the common council shall have the power, at any time, thirty days prior to any election, to alter or change any election district, or establish additional election districts, in any ward. All annual elections whether for "state and county officers," or "city," or "municipal officers," within said city, shall thereupon be held in such election districts, anything in said charter of said city, or of any general law to the contrary notwithstanding; *Provided*, That such division into such election districts, shall be made at least thirty days prior to the election to be held therein respectively.

SEC. 2. The elective officers in said city shall be a mayor, city treasurer, city controller, city attorney, and justice of the peace for said city, who shall be styled city justice; all of which said officers shall be residents within and qualified voters of said city. Each ward shall elect three aldermen, one justice of the peace, and one constable, who shall be residents in and qualified voters of the ward for which they may be elected. All other officers necessary for the proper management of the affairs of said city, and not otherwise provided for in this act, shall be appointed by the common council. At every annual election for city officers, there shall be elected one alderman from each ward, who shall hold his office for three years. The city attorney, the city justice, and the justice of the peace and constables in each ward, shall hold their offices for two years and until their successors are elected, and qualified. The city controller shall hold his office for the term of four years, and until his successor is elected and qualified. The city treasurer shall hold his office for the term of two years, and until his successor is elected and qualified. *Provided*, That the present city treasurer shall hold his office for the term of two years from the first day of January, eighteen hundred and seventy-four.

SEC. 3. Every person appointed to any office by the common council, or elected to any office by the people, may be removed from such office by a vote of two-thirds of all the aldermen authorized to be elected. But no officer elected by the people shall be removed except for cause, nor unless first furnished with, and notified of the charges, nor until such person shall have had a reasonable opportunity to be heard in his defence. The common council shall have power to fix a time and place for the trial of such officer, of which not less than ten days' notice shall be given, and to compel the attendance of witnesses and the production of papers, and to hear and determine the case; and if such officer shall neglect to appear and answer to such charge, the common council may declare the office vacant.

SEC. 4. Whenever a vacancy shall occur in the office of any elective officer of said city, such vacancy shall be filled by the appointment by the common council of said city, until the next annual election; and the successor of such person so appointed to fill any vacancy aforesaid, shall be elected at the next annual election for the unexpired term.

SEC. 5. All elections by the people shall be by ballot, and each ballot shall contain all the names of the persons voted for, with a proper designation of the office, written or printed thereon, and a plurality of votes shall constitute an election. When two or more persons shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they shall direct.

SEC. 6. All persons entitled to vote for state and county officers, and who shall have resided for ten days next preceding the election in the election district where they offer their vote, shall be entitled to vote for any officer elected under this law, and to hold any office hereby created. The common council of said city shall each year, in sufficient time before each annual election, whether for state, county or city officers, and for every annual election, appoint three qualified electors in each election district of said city to be judges of election in their respective districts, for all state, county, city or municipal officers, or otherwise, each of whom shall be of opposite party if practicable, and the said judges in each elective district aforesaid, shall appoint two qualified electors in their elective districts respectively, to be clerks of such elective districts respectively and of opposite party if practicable. Said elections shall be held and conducted in the manner and under the same penalties as required by the laws of the state regarding elections; excepting that the returns for all city elections shall be made to the city clerk. All vacancies of any of the judges or clerks aforesaid, may be filled by appointment of the said common council, or in case of their omission so to do, by the remaining judge or judges.

SEC. 7. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the officers appointed in accordance with the preceding section, in the same manner, and the returns thereof shall be made in the same form and manner as general and annual elections, and within such time as may be prescribed by resolution.

SEC. 8. Any officer removing from the city or ward for which he was elected, or any officer who shall neglect or refuse, for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill vacancy as herein prescribed.

SEC. 9. The term of any officer hereafter elected under this law, unless otherwise provided for, shall commence on the first day of January next succeeding his election, and shall, unless otherwise provided, continue for two years, and until his successor is elected and qualified.

SEC. 10. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the common council may order a new election to be held, ten days' notice of the time and place of holding the election being first given.

CHAPTER III.

CITY OFFICERS, THEIR POWERS AND DUTIES.

SECTION 1. Every person elected or appointed to any office under this act, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the clerk of the city; and treasurer, clerk, controller, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Saint Paul a bond, with at least two sureties, each of whom shall take an oath that he is worth the amount stated in the affidavit, over and above all his debts, exemptions or liabilities, which shall in the aggregate be equal to the penalty of the bond, and said bonds shall contain such penal sum, and such conditions as the common council may deem proper; and they may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

SEC. 2. The mayor shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall from time to time give the common council such information and recommend such measures as he may deem advantageous to the city. All ordinances and resolutions shall, before they take effect, be presented to the mayor, and if he approves thereof, he shall sign the same; and such as he shall not sign he shall return to the common council, with his objections thereto, by depositing the same with the city clerk, to be presented to the common council at their next meeting thereafter. Upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be reconsidered, and if, after such consideration, the common council shall pass the same by a vote of two-thirds, it shall have the same effect as if approved by the mayor; and in such case the vote shall be by yeas and

nays, which shall be entered by the city clerk of record. If any ordinance or resolution shall not be returned by the mayor within five days (Sundays excepted) after it shall have been presented to him, the same shall have the same effect as if approved by him.

SEC. 3. At the first meeting of the common council in each year, they shall proceed to elect by ballot from their number a president and vice-president. The president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability, from any reason, to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor. In case the president shall be absent at any meeting of the common council, the vice-president shall act as presiding officer for the time being, and shall discharge the duties of such president, and act in his place. The president, or temporary presiding officer, while presiding over the common council, or performing the duties of mayor, shall be styled acting mayor, and acts performed by either when acting as mayor aforesaid, shall have the same force and validity as if performed by the mayor. The mayor and aldermen of said city shall have the right to administer oaths and affirmations, take acknowledgments of deeds, and do and perform generally all acts which may be done or performed by notaries public under the laws of this state.

SEC. 4. There shall be a clerk of said city, styled the city clerk, who shall be elected by the common council, and hold his office at the city hall. He shall keep the corporate seal, and all papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend. Copies of all papers filed in his office, and transcripts from the records of the common council, certified by him under the corporate seal, shall be evidence in all courts as if the original were produced. He shall draw and countersign all orders on the treasurer, in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose. The clerk shall have power to administer oaths and affirmations, and take the acknowledgment of deeds and other writings.

SEC. 5. The city attorney for said city shall perform all professional services incident to his office, and when required shall furnish opinions upon any legal question submitted to him by the common council or by any of its committees, or by the board of public works, and shall perform such other duties as may be prescribed by the common council by ordinance. He shall receive a salary of at least two thousand five hundred dollars (\$2,500) per annum, payable as in the case of other city officers.

SEC. 6. The city treasurer shall receive all moneys belonging to said city, including all taxes, license moneys and fines, and other rev-

of said city, and keep an accurate and detailed account thereof, in such manner as to show the exact financial condition of said city. He shall exhibit to the common council at least fifteen days before the annual election, and as often as said common council or the finance committee thereof may require, a full and detailed account of all receipts and expenditures since the date of his last annual report, or for any required period, and also the state of the city treasury; which annual account shall be filed with the clerk, and published in the official paper of said city. He shall give such bond as the common council may require, and the same shall be conditioned for the faithful performance, of all the duties imposed by this act, and particularly the duties required by chapter five of this act relating to the treasury department. No funds of the city shall be loaned by the treasurer to any city officer, or other person, or otherwise disposed of, except in accordance with law. Any violation of this provision shall be a misdemeanor, punishable by imprisonment for a period not exceeding one year, or by a fine not exceeding one thousand dollars, or both, in the discretion of the court. At the first meeting of the council in each month, the treasurer shall report the amount of city funds under his control, and where placed or deposited.

SEC. 7. The city controller shall annually submit to the common council, at their first stated meeting in March, an itemized report of the financial condition of the city. He shall make a list of all outstanding city bonds, to whom issued, for what purpose, when and where payable, and the rate of interest they may respectively bear, and recommend such action to the common council as will secure the prompt payment of the principal and interest of such bonds. He shall also submit to said council, at their first stated meeting in December of each year, a synoptical report of the financial condition of the city.

SEC. 8. He shall report annually, on or before the first day of October, to the common council, an estimate of the expenses of the city, and likewise the revenue necessary to be raised for the current year; and the fiscal year shall commence on the first day of January of each year.

SEC. 9. He shall make, or cause to be made, estimates of the expenses of any work to be done by the city, whenever directed by the common council, and countersign all contracts made in behalf of the city, and certificates of work by any committee of the common council or by any city officer.

SEC. 10. It shall be the duty of the controller to keep regular books of accounts, in which he shall enter all indebtedness of the city, and which shall, at all times, show the precise financial condition of the city; the amount of bonds, orders, or other evidences of

indebtedness issued by the common council, the amount of all bonds, orders, &c., which have been redeemed, and the amount of each outstanding; to countersign all bonds, orders, or other evidences of indebtedness of the city, and to keep an exact account thereof; stating to whom and for what purposes issued, to keep accounts with all the receiving and disbursing officers of the city, showing the amount which they have received from all the different sources of revenue, and the amount which they have disbursed under the direction of the common council.

SEC. 11. If on or before the first day of January of any year, the amount expended or to be expended, chargeable to any of the special funds, (adding thereto the current expenses estimated for the remainder of the fiscal year, and chargeable to such fund,) shall be equal to three-fourths of the tax authorized to be raised, or revenue estimated for such fund, he shall at once report the same to the common council, and he shall not countersign any contracts chargeable to such fund, until the amount of taxes actually collected be ascertained, and during the remainder of the fiscal year, he shall not countersign any contract the expenses of which shall exceed the revenue actually collected for the fund to which such expenses are properly chargeable, except as herein otherwise provided.

SEC. 12. He shall examine the reports, books, papers, vouchers and the accounts of the treasurer, and from time to time shall perform such other duties as the common council may direct.

SEC. 13. He shall at all times have access to the said reports, books, papers, vouchers and accounts, and shall assist the treasurer in carrying out the provisions of chapter five of this act; All claims and demands against the city, before they are allowed by the common council, shall be audited and adjusted by the controller, and all orders on the treasurer shall be examined and countersigned by him before they are delivered by the city clerk.

SEC. 14. It shall be the duty of the city controller, in auditing and adjusting claims and accounts against the city, to designate and specify upon each claim, demand and account so audited and adjusted, the particular fund out of which the same shall be paid, and the same shall not be audited or adjusted by him, or reported to the common council, until there shall be sufficient funds to the credit of the particular fund out of which the same is payable, to pay the same as well as all other claims before that time audited and allowed against such fund.

SEC. 15. The controller shall keep a record of all his acts and doings, and keep a book in which he shall enter all contracts, with an index thereto; such records shall be open to the inspection of all parties interested. He shall not be directly or indirectly interested in any contract or job to which the city is a party.

He shall give such bond as the common council may require, and the same shall be conditioned for the faithful performance of all the duties required by chapter five of this act, relating to the treasury department. He shall receive a salary of at least two thousand dollars (\$2,000) per annum, payable as in the case of other city officers.

Sac. 16. The city justice for the city shall possess all the authority, power and rights of a justice of the peace of the county of Ramsey under the laws or constitution of the state, and shall have in addition thereto, sole, exclusive jurisdiction to hear all complaints, and conduct all examinations and trials in criminal cases within the city, cognizable before a justice of the peace; but warrants returnable before said justice may be issued, in criminal cases, by any other justice in the city, but no fee shall be received therefor by said justice. The said justice shall have exclusive jurisdiction in all cases cognizable before a justice of the peace in which the city is a party, and shall have cognizance and exclusive jurisdiction of all suits, prosecutions or proceedings for the recovery of any fine, forfeiture or penalty, under any by-law, ordinance, or regulation of said city of Saint Paul or its charter, or for the breach or violation of any such by-law, ordinance or regulation, and in all cases of offenses committed against the same. All prosecutions for assaults, batteries, affrays and other offenses not indictable, and for a breach or violation of any such by-law, ordinance or regulation, shall be commenced in the name of the city of Saint Paul, and the same proceedings shall be had in all civil and criminal suits before said justice, where not otherwise herein directed, as are established and required to be had in civil and criminal actions, by the laws of this state before a justice of the peace. *Provided*, That in cases of prosecution for a breach or violation of an ordinance, by-law or regulation of said city or its charter, or for an assault, battery, or breach of the peace, or affray, or other offense not indictable, committed within the city limits, no appeal shall be allowed where the judgment or fine imposed, exclusive of costs, is less than twenty-five dollars (\$25.00). In all cases of convictions for assaults, batteries, affrays and other offenses not indictable, within said city, and in all cases of conviction under any ordinance of said city, for breach of the peace, disorderly conduct, keeping houses of ill-fame, or of frequenting the same, and of keeping or maintaining disorderly and ill-governed houses, the justice shall have power, in addition to the fine or penalty imposed, to compel such offenders to give security for their good behavior, and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars. The said justice shall have the same power and authority in case of contempt as a court of record. *Provided*, That nothing

herein contained shall be deemed to divest the district judge or judge of the court of common pleas of their authority as conservators of the public peace. In case of the absence, sickness or other inability of such justice, or for any sufficient reason, the mayor, by warrant, may authorize any other justice of the peace within said city to perform the duties of said justice of the peace for the city; and it shall thereupon be the duty of the mayor to inform the city attorney and chief of police of such substitution, and make report thereof to the common council, and they may confirm or set aside such appointment, or appoint some other justice of the peace; and the justice of the peace so appointed shall, for the time being, possess all the authority, powers and rights of said city justice. And all fines, forfeitures, or penalties, imposed for offenses cognizable before the city justice, or for the violation of any ordinance, by-law, or regulation of said city, shall, when collected, before or upon appeal, be paid into the treasury of said city, whether the prosecutions were carried on in the name of the city or state.

SEC. 17. The city justice shall, as often as the common council may require, report to the common council all the proceedings instituted before him in which the city is interested, and shall at the same time account for and pay over to the city treasurer all fines and penalties collected by him belonging to said city; and said justice shall be entitled to receive from the county of Ramsey such fees in criminal cases as are allowed to other justices in the county, for similar services.

SEC. 18. The common council, at their first meeting in each year, or as soon thereafter as may be, shall designate one newspaper printed in said city, in which shall be published all ordinances, and other proceedings and matters required by this act, or by the by-laws or ordinances of the common council, to be published in a public newspaper. *Provided*, That the common council may order the publication of ordinances, advertisements, proceedings, or such resolutions as may be of general importance, in such other newspapers as they may direct.

SEC. 19. The city printer or printers, immediately after the publication of any notice, ordinance or resolution, which by this act is required to be published, shall file with the clerk of the city a copy of such publication, with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance or resolution, and no account for the publication of such notice, ordinance or resolution shall be allowed or adjusted by the controller, without the certificate of the city clerk that such proof of publication has been made and filed.

SEC. 20. If any person, having been an officer in said city, shall

net, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects of every description, in his possession, belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one thousand dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover the possession of such books, papers and effects, in the manner prescribed by the laws of this state.

SEC. 21. No alderman shall be a party to or interested in any job or contract with the city, and any contract in which any alderman may be so interested, shall be null and void; and in case any money shall have been paid on any such contract, the common council may sue for and recover the amount so paid, from the parties to such contract, and the alderman interested in the same. The members of the common council shall be exempt from serving on any jury during their term of office.

SEC. 22. The common council shall have power at any time to require other and further duties to be performed by any officer whose duties are herein prescribed, not inconsistent with this act, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, unless herein otherwise provided for; but no officer elected or appointed by the common council or appointed by the mayor, as hereinbefore provided, shall be appointed for a longer term than one year, and until his successor is elected or appointed, and duly qualified, except as provided in this act. The common council shall also have the power, unless herein otherwise provided, to fix the compensation of all officers elected or appointed under this act; such compensation shall be fixed by resolution, at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during such year.

CHAPTER IV.

THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

SECTION 1. The aldermen shall constitute the common council, and the style of all ordinances shall be: "The Common Council of the City of St. Paul do ordain," &c. The common council shall meet at such time and place as they by resolution may direct. A majority of the aldermen shall constitute a quorum.

SEC. 2. The common council shall hold stated meetings, and the mayor may call special meetings, by notice to each of the members, to be delivered personally or left at their usual place of abode. The common council shall be the judge of the election and qualifica-

tion of its own members, and in such case shall have power to send for persons and papers, and shall also determine the rules of its own proceedings, and have power to compel the attendance of absent members.

SEC. 3. The common council shall have the management and control of the finances, (subject to the provisions of this act), and all the property of the city, and shall likewise, in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and intemperance, and for the prevention of crime, as they shall deem expedient; they shall have the power to establish and maintain a city prison and watch-houses, for the imprisonment, custody and safe keeping of all persons arrested for or charged with any offense whatever, in any way cognizable before the city justice; to make all rules and regulations for the government and management of such prison and watch-houses, to appoint keepers and other officers for the same, and prescribe their duties and fix their compensation; the keepers of said prison and watch-houses shall have and possess all the powers and authority of jailors at common law or by the laws of this state. The common council shall have full power and authority to declare and impose penalties and punishments, and to enforce the same against any person or persons who may violate any of the provisions of any ordinance, rule or by-law passed or ordained by them; and all such ordinances, rules and by-laws are hereby declared to be and have the force of law; *Provided*, That they be not repugnant to the constitution and laws of the United States, or of this state; and for these purposes shall have authority by ordinances, resolutions or by-laws.

First.—To license and regulate the exhibition of common showmen and shows of all kinds, and the exhibition of caravans, circuses, concerts and theatrical performances, and also to license and regulate all auctioneers, billiard tables, pigeon hole tables, nine or ten pin alleys, bowling saloons, butcher shops and butcher stalls and venders of butcher's meat, pawnbrokers, insurance offices and insurance agencies, taverns, lager beer saloons, victualing houses, and all persons vending, dealing in or disposing of spiritous, vinous, malt or fermented liquors; *Provided*, That this act shall not be so construed as to prevent pork-packers from disposing of offal or trimmings of hogs, nor shall any person selling game, or who may dispose of any animals raised or fattened by him, or who may sell fresh meats by the carcass or quantities not less than by the quarter, be deemed or held to be a vender of fresh or butcher's meats under the provisions of this act; and also to license and regulate the selling

or contracting for the sale of any goods, wares or merchandise by samples, when such goods, wares or merchandise are thereafter to be sent or delivered to the purchaser; *And Provided further*, That not less than five dollars, nor more than five hundred dollars, shall be required to be paid for any license under this act, and the fee for issuing the same shall not exceed one dollar; and said common council may at any time revoke any license granted under this act for misconduct in the course of trade, and may regulate and restrain the sale of fresh or butcher's meat within the corporate limits of said city, and punish or restrain the forestalling of poultry, game, eggs or fruit within said city; *And Provided*, That no general law of this state shall be construed as to prevent the licensing or regulation of insurance offices and insurance agencies by said common council.

Second.—To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice, or other games of chance, for the purpose of gaming in said city; and to restrain any person from giving or dealing in spiritous, fermented or vinous liquors, unless duly licensed by the common council.

Third.—To prevent any riots, noise, disturbance and disorderly assemblages in said city, and to provide for the arrest and punishment of any person or persons who shall be guilty of the same; to suppress disorderly houses or groceries, and houses of ill-fame, and to provide for the arrest and punishment of the keepers thereof; and to authorize the destruction of all instruments used for the purpose of gaming.

Fourth.—To compel the owner or occupant of any grocery, cellar, tallow-chandler shop, soap-factory, tannery, stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time, as often as may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Fifth.—To direct the location and management of slaughter-houses and markets, breweries, distilleries and pawn-brokers, and to establish rates for and license venders of gun-powder, and regulate the storage, keeping and conveying of gunpowder or other combustible material.

Sixth.—To prevent the encumbering of streets, sidewalks, lanes, alleys, public grounds or wharves, with carriages, carts, wagons, sleighs, boxes, lumber, fire wood, posts, awnings, or any other materials or substances whatever.

Seventh.—To prevent and punish horse-racing, immoderate riding or driving in the streets, to compel persons to fasten their horses or other animals, attached to vehicles or otherwise, while standing in the streets, and to regulate places of bathing and swimming in the waters within the limits of said city.

Eighth.—To restrain the running at large of cattle, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same, and to impose penalties on the owners of such animals for violation of the ordinances; *Provided*, That when a sale of such animals shall be made, the proceeds thereof, after deducting the expenses of distraining, keeping, advertising and selling such animals, shall be deposited in the office of the treasurer of said city, for the use and benefit of the owners thereof, if called for by such owner within one year from the day of such sale.

Ninth.—To prevent the running at large of dogs, and may impose a tax on the same, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinance.

Tenth.—To prevent any person from bringing, depositing, or having within said city, any putrid carcass, or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or putrid or unsound beef, pork, fish, hides or skins of any kind; and on default to authorize the removal thereof by some competent officer, at the expense of such person or persons.

Eleventh.—To make and establish public pounds, pumps, wells, cisterns, hydrants, reservoirs, and to provide for and conduct water into and through its streets, avenues, alleys and public grounds, and to provide for and control the erection of water works for the supply of water to its inhabitants; to regulate, and at a reasonable rate, to license hacks, carts, omnibuses, trucks, wagons and other vehicles engaged in hauling or carrying for hire, and the charges of the drivers of such vehicles; to regulate and at a reasonable rate to license second-hand stores and junk shops, and to erect lamps and to provide for lighting the city, and to control the erection of gas works, or other works for lighting the city, streets, public grounds and public buildings, and to create, alter and extend lamp districts.

Twelfth.—To establish and regulate boards of health, provide hospitals and hospital grounds, the registration of births and deaths and the returns of the bills of mortality, and regulate or prevent the burial of the dead within the city limits.

Thirteenth.—To regulate the assize and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Fourteenth.—To prevent all persons riding or driving any ox, mule, cattle or other animal on the sidewalks or other public grounds or property in said city, or in any way doing any damage to such sidewalks, grounds or property.

Fifteenth.—To prevent the shooting of fire-arms or crackers, and to prevent the exhibition of any fire-works in any situation which may be considered by the council dangerous to the city or any property therein or annoying any citizen thereof.

Sixteenth.—To prevent open or notorious drunkenness and obscenity in the streets or public places of said city, and to provide for the arrest and punishment of all persons who shall be guilty of the same.

Seventeenth.—To restrain and regulate porters, and also runners, agents and solicitors for the boats, vessels, stages, cars, public houses or other establishments.

Eighteenth.—To establish public markets and other public buildings, and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Nineteenth.—To provide for the receipt, storage, transportation, safe keeping and dealing and traffic in gunpowder, gun-cotton, petroleum, kerosene or other dangerous, explosive or inflammable oils or substances within said city, or within one mile of the corporate limits thereof, and to provide for the summary condemnation or destruction of any of said articles as may be kept, stored, dealt in, transported through or received in said city, contrary to such ordinances as said city may enact for the safety of life and property therein.

Twentieth.—To regulate the place and manner of weighing hay and selling the same, and the measuring and selling of firewood, coal and lime, and to appoint suitable persons to conduct and superintend the same.

Twenty-first.—To compel the owner or occupant of buildings or grounds to remove snow, dirt, or rubbish from the sidewalk, street, or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him all such substances as the board of health shall direct; and in his default to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant.

Twenty-second.—To control and regulate the construction of piers or wharves, or grading said wharves into the Mississippi river, within the corporate limits of said city, and to prescribe and control the prices to be charged for pierage or wharfage thereon, and to prevent or remove all obstructions in the water of said river. And to prescribe and regulate rates of wharfage and pierage to be charged to any boat or vessel mooring at any landing, wharf, or pier within the limits of said city, and paid to said city; and to regulate the landings, levee, wharves and piers within the limits of said city, and boats and vessels landing and mooring at the same.

Twenty-third.—To prevent, control and regulate the landing of persons from boats and vessels whereon are contagious or infectious diseases or disorders, and to make such disposition of such persons

as to preserve the health of said city; and also to regulate, control and prevent the landing and conveyance of paupers and persons in a destitute condition into said city, and not having a legal settlement or residence therein, by any boat or vessel or other means of conveyance, and to require that such persons shall be taken back to the place from whence they may have been brought by the person or persons bringing or leaving them in said city.

Twenty-fourth.—To regulate time, manner and place of holding public auction or vendues.

Twenty-fifth.—To provide for watchmen, and to prescribe their number and duties, and regulate the same; and to create and establish the police of said city, and to prescribe the number of police officers and their duties, and to regulate the same.

Twenty-sixth.—To provide by ordinance for a standard of weights and measures; for the appointment of a city sealer, and to require all weights and measures to be sealed by the city sealer, and to provide punishment for the use of false weights and measures.

Twenty-seventh.—To regulate the inspection of flour, pork, beef, salt, fish, whisky, and other liquors and provisions.

Twenty-eighth.—To regulate the measurement and inspection of lumber, shingles, timber, and building materials.

Twenty-ninth.—To appoint inspectors, weighers, and gaugers; to regulate their duties and prescribe their compensation.

Thirtieth.—To direct and regulate the planting and preserving of ornamental trees in the streets and public grounds.

Thirty-first.—To remove and abate any nuisance, obstruction, or encroachment upon the streets, alleys, public grounds and highways of the city.

Thirty-second.—To remove and abate any nuisance injurious to the public health or safety, and to remove or require to be removed any building which, by reason of dilapidation, defects in structure, or other causes, may have or shall become imminently dangerous to life or property; and to provide for the punishment of all persons who shall cause or maintain such nuisances. A statement of such expense, specifying the lots or parcels of land upon which it was incurred, shall be filed by the city clerk in the office of the register of deeds of the county of Ramsey, and shall thereupon become a lien in favor of said city upon such lot or parcel of land. The amount of such expense may be recovered by said city against the owner or owners of said lot or parcel of land, and the lien be enforced in a civil action in any court of competent jurisdiction; *Provided, That* such statement shall be filed within three months after such expense has been incurred by said city, and that if suit shall not be brought aforesaid to enforce such lien within one year thereafter, the same shall abate; *And provided further, That* said lien shall not obtain

before the filing thereof, against a bona fide purchaser, without notice of such expenditures.

Thirty-third.—To do all acts and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease, and make regulations and to prevent the introduction of contagious diseases into the city; and to make quarantine laws, and enforce the same within the city limits. The jurisdiction of said city shall extend to and be in force over any lands within the county of Ramsey purchased or used by said city for the purpose of a quarantine, for police and sanitary regulations; and for the preservation of the health of said city and the suppression of disease and abatement of public nuisances, and the suppression of any business contrary to the sanitary regulations of the common council or the board of health, the jurisdiction of said city shall extend for a circuit of one mile from the present city limits, east of the Mississippi river.

Thirty-fourth.—To restrain and punish vagrants, mendicants, street beggars and prostitutes.

Thirty-fifth.—Fines, penalties and punishments imposed by the common council for the breach of any ordinance, by-law or regulation of said city, may extend to a fine not exceeding one hundred dollars and imprisonment in the city prison or county jail not exceeding thirty days, or both, and to be fed on bread and water, at the discretion of the city justice; and offenders against the same may be required to give security for their good behavior, and to keep the peace not exceeding six months, and in a sum not exceeding five hundred dollars.

Thirty-six.—The common council of said city may provide by ordinance that any one convicted of an offense before the city justice, subjecting such offender to imprisonment under the charter and ordinances of said city, may be kept at hard labor in any work house established by said city for that purpose, or in case of a male offender, may be kept at hard labor during his term of imprisonment in such workhouse, or upon the public streets and improvements of said city, or both; and may also provide by ordinance that any one convicted of an offence before the city justice aforesaid, and committed upon non-payment of a fine imposed, may be kept at hard labor in any workhouse of said city aforesaid, or in case of a male offender, may be kept at hard labor either in such workhouse, or upon the public streets and improvements, or both, until such person shall work out the amount of such fine at such rate of compensation as said common council may prescribe, for a time not exceeding the term of such commitment; and the common council shall have full power to establish by ordinance all needful regulations for the security of such prisoners thus employed, and to pre-

vent escape and secure proper discipline, and shall have power to establish a suitable workhouse in said city for the purpose aforesaid, and under such regulations as the said common council may provide; *Provided*, That the common council aforesaid shall be and is hereby authorized to use the jail of Ramsey county as the workhouse of the city of Saint Paul, provided for in this act; the prisoners of the city to be as at present in the custody of the sheriff of Ramsey county, except while working upon the public streets and improvements of said city, when they shall be under the control of the police force of said city; *And provided further*, That the city justice shall not have the power, for vagrancy, to commit any person to the city prison, city workhouse or county jail, or to order any such person to work upon the public streets or improvements of said city for a longer period than thirty days.

Thirty-seventh.—The common council shall have power to control and regulate the construction of buildings, chimneys and stacks, and to prevent and prohibit the erection or maintenance of any insecure or unsafe buildings, stacks, walls or chimneys in said city, and to declare them to be nuisances, and to provide for their summary abatement, and to provide for the regulation or the summary abatement of any work or building which is detrimental to the safety, health or security of said city.

Thirty-eighth.—To provide for the appointment of a person, at such salary and with such duties as the common council may prescribe, to inspect and supervise the construction of buildings and other improvements. Also to provide for the entry at any time by any of its officers into any building, or upon any work to ascertain whether the same is dangerous or insecure.

Thirty-ninth.—To regulate or prohibit the carrying or wearing, concealed, by any person, any dangerous or deadly weapon, and to provide for the confiscation thereof.

Fortieth.—To regulate the penning, herding and treatment of all animals within the city.

Forty-first.—To restrain, control and regulate the cutting of ice in the Mississippi river, within the limits of said city.

SEC. 4. All ordinances, regulations, resolutions and by-laws, shall be passed by an affirmative vote of a majority of the members of the common council present, by ayes and noes, and published in the official paper before the same shall be in force, and shall be admitted as evidence in any court of the state, without further proof; and they shall be recorded by the city clerk in books to be provided for that purpose. No appropriation shall be made without a vote of a majority of the members elect of the common council in its favor, which vote shall be taken by ayes and noes, and entered among the proceedings of the council. In the publication of resolutions they

may be included in the publication of the proceedings of the council with the dates of their approval, without appending in such publication the signatures to such resolutions.

Sec. 5. The powers conferred upon the common council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law, depots, houses or buildings of any kind within the limits of said city, wherein more than twenty-five pounds of gun powder or more than five barrels of forty-two gallons each, (or such greater or less quantity as said common council may direct by ordinance,) of petroleum, kerosene, naphtha or other inflammable or explosive oils or substances are deposited, stored or kept at any one time; gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without license required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

Sec. 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, city justice, and other officers and agents of the city, at such times as they may deem proper, and also at the end of each year, and before the [term] for which the officers of said city were elected or appointed shall have expired. And the common council shall require each and every such officer and agent, to exhibit his books, accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of [their] said duties, in pursuance of this section, or shall neglect or refuse to render his accounts, or present his books and vouchers to said council, or a committee thereof, it shall be the duty of the common council to declare the office of such person vacant. And the common council shall order suits and proceedings at law against any officer and agent of said city who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties; and shall make a full record of all such settlements and adjustments.

Sec. 7. The common council shall have the care, supervision and control of all public highways, bridges, streets, alleys, public squares and grounds, and parks and sewers, and all other public improvements and public property within the limits of said city, and shall cause all streets which may have been opened and graded under the authority of said city, or with its assent, to be kept open and in repair and free from nuisances. The city corporation shall be exempt from all liability for damages caused by railroads, either to persons or property, when said railroads, or engines or cars, are passing along, across, under, over or upon any street, lane, alley, or other public way, within the limits of the city of St. Paul.

Sec. 8. The common council of said city shall have the sole and

exclusive power to vacate or discontinue public grounds, streets, alleys and highways within said city. No such vacation or discontinuance shall be granted or ordered by the common council, except upon the petition of a majority of the owners of property on the line of such public grounds, streets, alleys, or highways, resident within the said city; such petition shall set forth the facts and reasons for such vacation, accompanied by a plat of such public grounds, streets, alleys, or highways, proposed to be vacated, and shall be verified by the oath of at least two of the petitioners. The common council shall thereupon, if they deem it expedient that the matter should be proceeded with, order the petition to be filed of record with the city clerk, who shall give notice by publication in the official paper of said city, for four weeks, at least once a week, to the effect that such petition has been filed as aforesaid, and stating in brief its object, and that said petition will be heard and considered by the common council, or a committee appointed by them, on a certain day and place therein specified, not less than ten days from the expiration of such publication. The common council, or such committee as may be appointed by them for the purpose, at the time and place appointed, shall investigate and consider the said matter, and shall hear the testimony and evidence on the part of the parties interested. The common council thereupon, after hearing the same, or upon the report of such committee in favor of granting such petition, may, by a resolution passed by a three-fourth vote of all the members elect, declare such public grounds, streets, alleys, or highways vacated, which said resolution, after the same shall go into effect, shall be published as in the case of ordinances, and thereupon a transcript of such resolution, duly certified by the city clerk, shall be filed for record, and duly recorded in the office of the register of deeds of the county of Ramsey.

SEC. 9. Any person feeling aggrieved by any such vacation or discontinuance, may, within twenty days after the publication thereof, by notice in writing served on the mayor of said city, a copy whereof, with proof of service, shall be filed in the office of the clerk of the district court, or court of common pleas of the county of Ramsey, appeal to either of said courts from such vacation or discontinuance, where such appeal shall be tried by the court and jury as in ordinary cases, and the judgment of which court shall be final. It shall be the duty of the city clerk, as soon as any such appeal is taken, to transmit to the proper court a certified copy of the record of all proceedings in the case, at the expense of the appellant. Such appeal shall be entered and brought on for trial, and be governed by the same

rules in all other respects as appeals from justices of the peace in civil suits, except that no pleadings shall be required.

SEC. 10. The common council shall have power to regulate and cause to be constructed, altered and maintained, wharves and piers, or grading and paving along the banks of the Mississippi River, and shall have and exercise the same power and control over the said river within the limits of said city, that they may possess over streets, highways and alleys, so far as such power and control may not be inconsistent with the laws of the United States or of this state. The expense of constructing, altering and maintaining such wharves, piers, grading and paving shall be paid out of the general fund of said city.

SEC. 11. The common council shall have power and authority, by a vote of three-fourths of all the members elect of said council, to grant the right of way upon, over and through any of the public streets, highways, alleys, public grounds or levees of said city, to any steam railway or horse railway company or corporation, upon such limitations and conditions as they may prescribe by ordinance.

SEC. 12. The common council shall have the power to regulate the laying of all water pipes and mains, and fixtures to be erected or laid or placed in any street, lane, alley or public way in the city of Saint Paul, by any company, corporation, or person, now or hereafter created, and it shall be the duty of such corporation, company, or person, so owning or controlling said water, and pipes and mains, on application therefor, to furnish water to the city of Saint Paul and all its departments, (in addition to its right to the same for the extinguishment of fires,) and for any other public or police purpose, at all such reasonable times and places as the common council may direct or prescribe, and also at such reasonable terms and rates as the parties may agree upon or as may be determined by two citizens of said city, one to be chosen by the city and one by the water company or person controlling the same, and if they fail to agree, they shall select a third person, and then their decision shall be the price to be paid by said city. In no event nor under any circumstances shall said water be withheld from said city for the fire department; but if said city shall fail to pay the price fixed, the said water company or person controlling the water, or pipes, or mains, or fixtures, shall have all the remedies at law for the collection thereof; and if said water company or any company or person controlling the same shall violate any of the provisions of this section, it shall be deemed a misdemeanor; and any person acting under the order, permission, or authority of said water company who shall violate any of the provisions of this section, shall be deemed guilty of a misdemeanor and be subject to indictment, and

be punished by a fine of not more than one thousand dollars, to which may be added imprisonment in the county jail not longer than twelve months. If said city shall fail to pay said water company for the period of sixty days after due, it shall pay thereafter two per cent. per month until paid.

CHAPTER V.

THE TREASURY DEPARTMENT.

SECTION 1. The present bonded or permanent funded debt of the city shall not be increased, nor shall any new bonds of the city be issued except for now existing debts or in liquidation of or exchange for bonds heretofore issued, or except bonds heretofore authorized for sewerage purposes; *Provided*, That interest not provided for by taxation, may at any time be funded by bonds or otherwise, in the discretion of the common council; nor shall the city loan her credit, become a stockholder in, or make contribution or donation to any private company or corporation. The said common council shall have full power and authority to issue bonds to fund the present floating or funded indebtedness of the city, including all past due bonds with the interest due or accrued thereon, such bonds to be payable in not less than twenty years after date, with interest payable semi-annually in the city of New York or in the city of St. Paul. No bond hereafter to be issued by said city, for the above or any other purpose, shall draw more than eight per cent. interest per annum, and the common council are fully authorized and required to provide by taxation for the prompt payment of interest, and for a sinking fund sufficient to meet such bonds and all other bonds of said city at maturity, whether heretofore or hereafter to be issued. And all acts of the legislature of this state, whether heretofore or hereafter to be passed, authorizing an issue of bonds by said city, shall be construed to contain a provision for the payment of the interest thereon, and for a sinking fund sufficient to pay the same by taxation, unless the contrary shall be expressed in such act.

SEC. 2. All moneys credited to the general fund of said city shall be under the control of the common council, and shall be paid out as heretofore upon the order of the mayor and clerk, countersigned by the controller, duly authorized by a vote of the common council; and all orders drawn upon the treasurer shall specify the specific purpose for which they were drawn, and shall be payable generally out of any funds in the general fund belonging to the city; but no such order shall be paid out of the bridge fund or other special fund which has been specifically pledged as

aforesaid; and such specific funds shall only be drawn out upon orders drawn upon such funds by virtue of a resolution of the common council. All orders shall be payable to the order of the person in whose favor they may be drawn, and they may be transferred by endorsement. No order on the treasury shall be drawn or issued, until there shall be funds sufficient to pay the same, together with the orders that may then be outstanding; and the controller is prohibited from countersigning any such order until there shall be sufficient funds in the treasury to meet such orders, together with the orders which may then be outstanding; *Provided*, That this prohibition shall not apply to orders to pay the police force, city officers and pay rolls of the street commissioners.

Sec. 3. All property real and personal, within the city, except such as may be exempt by the laws of this state, shall be subject to taxation for the support of the city government, and payment of its debts and liabilities, and the same shall be assessed in the manner provided by law. The said common council may levy an annual tax upon all property in said city taxable under the laws of this state, to and for the specific purposes following, that is to say:

First.—To provide for the interest on all outstanding bonds to become due during the fiscal year, and for a sinking fund sufficient to meet and pay such bonds at maturity, and the floating indebtedness of the city.

Second.—To provide for the support of the public free schools of said city.

Third.—To provide a "general fund" to pay the general current and incidental expenses of the city, including salaries of officers, police, street force, fire department, lighting the city, water department, printing and stationery, and for a contingent fund not exceeding ten thousand dollars, and to provide for the preservation of the health of the city; but the amount of money to be raised for the above purposes shall only be so much as will be necessary, in addition to the amount received from licenses, fines, markets, and other incidental sources, for an economical administration of the affairs of the city, and shall not exceed ten (10) mills on the dollar of the assessed value of the taxable property of the city; and the money so raised shall not be expended for any other purpose than above stated.

Fourth.—To provide a fund for each ward therein of said city, for such improvements, repairs, or other expenses, within such ward, as may be properly ordered to be paid out of the fund of such ward, there may be levied annually a tax not exceeding four mills on the dollar of the assessed value of the property in the city. The amount of such taxes collected from real estate shall be credited to

the ward-fund of the ward from which the same was collected, and the amount of such taxes collected from personal property, shall be divided equally among the wards of said city. The common council of said city may set apart such proportion of said ward-fund as said council may deem expedient, not exceeding one-fourth thereof, as a district sewerage fund for such districts as may be situated within such ward; and said common council may also make said ward-funds respectively chargeable with the interest, or sinking fund, or principal, when due, of or for any bonds which may be issued by said common council to aid in the construction of main sewers in said city to the extent in each ward that said bonds shall be issued in aid of any main sewers within said ward.

SEC. 4. The said levy shall be made by said common council on or before the first day of November of each year, and the same shall be entered upon the tax duplicates for the county of Ramsey, and collected annually in like manner as state and county taxes are collected.

SEC. 5. The county treasurer of the county of Ramsey shall pay over to the city treasurer of said city any and all taxes and moneys collected by him, or received by him for said city, on the first Monday of each and every month next after such taxes or moneys are collected or received, any general or special law of the state to the contrary notwithstanding. Immediately after the first levy of taxes under section three of this chapter, the city treasurer shall open and keep in his books separate and distinct accounts for each of the several items of taxation therein provided for; and particularly separate and distinct interest and sinking fund accounts for all bonds and floating indebtedness; for the general fund, and for the ward fund, or any other special fund; and thereafter, whenever the said county treasurer shall pay over to said city treasurer any taxes belonging to said city, and collected under the levy provided for by said section three, the said city treasurer shall credit each of the said respective funds with its proportionate amount of such payment according to the tax levy for such separate fund, and the same shall remain so credited, and shall not be paid out by said treasurer except in payment of such interest, or other specific fund for which said funds shall have been levied and collected. And no ordinance, resolution, or order of the said common council, or of any committee thereof, or officer of said city, shall warrant or authorize the said treasurer to divert any of said separate funds from the legitimate purpose for which the same were collected and credited as aforesaid, or to borrow or transfer any balance or portion of one of said funds to the credit of the other, except as hereinafter provided.

SEC. 6. In all cases where the common council have heretofore or may hereafter pledge or set apart any specific source of revenue

of said city for any particular purpose, by ordinance, the said city treasurer shall open and keep in his books separate and distinct accounts of each of such revenues so pledged or set apart; and thereafter, so long as said ordinance remains in force, he shall credit all such revenues to such account, and the same shall only be paid out upon orders against the said fund, and for the particular purposes for which the same is so pledged; and no resolution of the common council or order or direction of any committee thereof, or officer of said city, shall warrant or authorize the said treasurer to divert any of said separate funds from the legitimate purposes for which the same was collected, or to borrow or transfer any balance or portion of one of said funds to the credit of the other, except as hereinafter provided. *Provided*, That a separate fund, created by ordinance, may be diverted to the general fund or to any other special fund by an ordinance duly enacted for that purpose; but nothing contained in this section shall be construed to affect the powers and duties of the commissioner of the interest and sinking fund of said city hereinafter provided for.

SEC. 7. It shall be the duty of the controller, in auditing and adjusting claims and accounts, as hereinbefore provided, to designate and specify upon each claim, demand and account so audited and adjusted, the particular fund out of which the same shall be paid; and the same shall not be audited or adjusted by him, or reported to the council, until there shall be sufficient funds to the credit of the particular fund out of which the same is payable, to pay the same, as well as all other claims before that time audited and allowed against such fund. The common council may at any time, by resolution, direct the city treasurer to set aside any of the revenues of said city not specially pledged to the interest and sinking fund, nor arising from the annual tax levy, as a special fund for the purpose of paying the police force, street force, and the salaries of city officers; and thereafter, the said police and street force and city officers may be paid out of any moneys in such special fund, or out of the general fund, as the common council may direct.

SEC. 8. The city clerk shall not prepare or sign any order on the treasury, unless the requirements of section seven have been complied with by the controller; and in drawing all orders he shall designate therein the particular fund designated upon the claim by the controller; and the controller shall not countersign such order, unless the same shall be drawn upon the particular fund by him designated therefor.

SEC. 9. Any willful neglect or refusal on the part of the said city treasurer, the city controller, the city clerk, or the county treasurer of Ramsey county, to perform the duties required in this chapter, or any vote or act of any alderman, or of said officers, or

other officer of said city, made or done with the willful intent to evade the provisions of this chapter, or to divert the funds raised by taxation, or pledged by ordinance to a specific purpose, is hereby declared to be a misdemeanor; and upon conviction thereof such officer shall be punished by a fine not exceeding five thousand dollars, and by imprisonment in the county jail of Ramsey county not exceeding three years.

SEC. 10. In all cases where the bonds of said city heretofore issued, bear a higher rate of interest than seven per cent. per annum, the common council of said city shall have power to issue new bonds of said city, to be called "preferred bonds," which shall bear interest at the rate of seven per cent. per annum, payable semi-annually in the city of New York or in the city of Saint Paul, and redeemable in not less than five, nor more than twenty-five years after their dates, in such forms and amounts as the common council of said city may direct.

SEC. 11. Any holders of said bonds of said city, bearing a higher rate of interest than seven per cent. per annum, shall, upon delivering up any such bonds, last mentioned, to the common council, to be exchanged for said "preferred bonds," be entitled to receive under such regulations as the common council may establish, "preferred bonds" aforesaid, to the same amount as the amount of the principal of the bonds so delivered up, adding thereto the unpaid interest thereon at the rate of seven per cent. per annum. The controller of said city shall carefully register the bonds so delivered up and exchanged, with their numbers, dates, amounts, purpose for which issued, and other needful particulars, and thereupon the same shall be cancelled. The said controller shall also certify upon the back of said "preferred bonds," so exchanged as aforesaid, the numbers, dates, purposes for which issued, and other needful particulars, of the bond or bonds delivered up in exchange for such "preferred bonds," in each case.

SEC. 12. No moneys shall be appropriated for any purpose whatever, except such as are expressly authorized by this act, and no vote of the common council, in relation thereto, shall be reconsidered or rescinded at a special meeting, unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken.

SEC. 13. No money shall be appropriated or expenditures be made by the council for defraying the expenses of any reception, parade, show or celebration, or any public dinner, or for any similar purpose or occasion. *Provided*, That the common council may appropriate the sum of two hundred dollars each year, to defray the expenses of the annual parade of the fire department of said city.

SEC. 14. The mayor, controller and treasurer of said city, the

president of the common council, and the chairman of the finance committee of said common council, shall constitute and be denominated, "The Commissioners of the Interest and Sinking Fund of the city of Saint Paul."

SEC. 15. Any four of the officers above named, of whom the controller shall be one, shall be and are hereby authorized and required to discharge the trusts and duties vested in them, in the succeeding sections of this chapter, but shall not be entitled to receive any additional compensation or salary for such services.

SEC. 16. The said commissioners shall from time to time invest the moneys which shall constitute the sinking fund for the redemption of the city debt, or any surplus of interest to the credit of the interest fund, or as much as they can, in the purchase of bonds issued by said city, at the market price, not exceeding the par value thereof; and if, at any time, such investments cannot be made at par, then the said commissioners shall be authorized to invest the said moneys, or such part thereof as they may see fit, either in the purchase of said bonds, or in the bonds of the State of Minnesota, or in United States bonds, notwithstanding said bonds may be above the par value thereof. *Provided*, That they shall at all times give the preference to the purchase of city bonds, if the same can be procured at a reasonable rate.

SEC. 17. Whenever the said commissioners shall have invested any part of the said fund in the purchase of the bonds of this State, or of the United States, and shall at any time thereafter be enabled to purchase any of the city bonds at such prices as they may judge best for the public interest, they shall forthwith sell and dispose of the same and invest the said bonds of the State, or of the United States, or the net proceeds thereof, in city bonds, if in their opinion such disposition would be beneficial to the public interests.

SEC. 18. Whenever the said commissioners shall have invested any part of the said fund in the purchase of city bonds, and shall at any time thereafter be enabled to purchase any of the city bonds which shall be by its terms redeemable at an earlier day, they may forthwith sell the same and invest the net proceeds in such other city bonds, if in their opinion, such exchange shall be desirable and beneficial to the public interest.

SEC. 19. Whenever any of the moneys constituting the sinking fund, for the redemption of the city debt, shall be required for any such purchases or investments, as are in this chapter mentioned, or for the redemption of any city bonds at their maturity, the amount of money respectively required shall be paid by the treasurer, upon a warrant signed by said commissioners, or any four of them, the city controller being one, and also by the city clerk, who shall affix the seal of the city thereto.

SEC. 20. All moneys constituting the fund for the payment of the bonds of the city, whenever required to meet such bonds, shall be drawn from the treasury in the manner provided in the foregoing section.

SEC. 21. It shall be the duty of the controller to keep a correct journal of the proceedings of the said commissioners, to be verified by any four of them, himself being one, and once in each year, or oftener if required, to render unto the common council a full and detailed report of the proceedings of the said commissioners, and all investments or other acts of said commissioners shall be based upon resolutions duly entered in said journal.

SEC. 22. In the event of a vacancy in office, or inability of any of said commissioners to attend to the trusts hereby imposed, it shall be the duty of the common council to designate one or more of their number to supply the place of such commissioner or commissioners, for the time being, by resolution. The said commissioners shall meet at any time upon the call of the mayor, the president of the council, or the controller. The mayor shall preside at such meetings.

SEC. 23. All bonds and securities purchased by said commissioners, shall be held for safe keeping by the city treasurer. Whenever city bonds are paid upon the warrant of said commissioners, a record thereof shall be made in the books of said commissioners, and the same shall be carefully cancelled and burned in the office of the controller, under the direction and supervision of said commissioners.

SEC. 24. It shall be the duty of the said commissioners to protect the credit of the city and direct and superintend the remission of funds for the payment of interest; and the bonded indebtedness of the city, to the city of New York, or wherever said interest and bonds may be payable, and if at any time they shall find that the interest fund for the payment of the interest upon the bonded indebtedness of said city shall not be sufficient to meet and pay such interest, the said commissioners may by a resolution to be entered upon their records, and signed by any four of said commissioners, of whom the controller shall be one, recommend to the common council, that any surplus balance to the credit of the sinking fund, or so much thereof as may be necessary to meet and pay said interest, may be transferred to the credit of such interest fund, or in case of a surplus of the interest fund for any one year, they may recommend in like manner that the said surplus may be transferred to the credit of the sinking fund; or they may, in like manner, recommend that a certain specific sum may be transferred from the credit of the "general fund" or the "ward" or "local improvement fund," or any fund specifically pledged by ordinance, to the credit of the interest fund, or the sinking fund aforesaid. *Provided*, That before

the said resolution and recommendation shall become operative, the same shall be reported to the common council of said city, and shall be approved by resolution thereof upon the vote of two-thirds of all the members of such council, and the said resolution shall be certified by the city clerk to the controller, and shall by him be entered upon the records of said commissioners, and the same shall authorize the said commissioners to make such transfer of funds as shall have been mentioned in their recommendation and approved by the common council in the manner provided by this chapter. *Provided*, That this section shall not be so construed as to permit the transfer of funds from the interest or sinking to the credit of any other funds of said city. *And provided further*, That if at any time, by virtue hereof, any part of the sinking fund shall be transferred as aforesaid to the credit of the interest fund, such amount so transferred shall be included as an additional item in the tax levy for sinking fund for the next annual levy, and shall be collected in like manner and as a part of, and in addition to the sinking fund for such levy.

SEC. 25. The proviso to section ten of an act approved February 29th, 1872, entitled "an act to amend the charter of the city of Saint Paul," in the words following, viz.: "*Provided*, That no assessment or levy of any tax shall be made upon any part of the property real or personal, embraced within the enlarged limits of the city as extended by this act, for the payment of any portion of the interest and principal of the existing indebtedness of said city, funded or otherwise. In all assessments or levies of taxes for payment of such indebtedness, the lands and property embraced in such enlarged limits shall be expressly omitted;" and so much of section three of an act approved March 6th, 1873, entitled "an act to extend the limits of the city of Saint Paul," in the words following, viz.: "It is hereby expressly declared that neither the territory hereby added to said city, nor the lands, tenements or hereditaments, nor the personal property of any resident situate and being, or which may be situate on said territory hereby annexed to said city, shall ever be assessed or taxed for the payment of any part, either principal or interest, of the existing debt of said city, either funded or otherwise; but all assessments or levies of taxes for such antecedent indebtedness of said city aforesaid, is hereby expressly prohibited,"—are hereby continued in force.

SEC. 26. The tax to be levied under section four for the "general fund," shall embrace the following specific objects, which shall be included and itemized in the annual report of the city controller, as required by section eighth of chapter three of this act, to wit.:

Salaries of city officers.

Police department.

Expenses of city hall.

Fire department.
Board of health.
Water department.
Street lamp department.
Contingent fund.

And for such other specific purpose or purposes as are prescribed by laws heretofore enacted and still in force, as aforesaid, and the taxes levied and collected for such specific object or objects, shall be applied only to defray the expenditures, together with the arrearages due and unpaid, for such specific object or objects, which arrearages or indebtedness shall be provided for in the next tax levy; *Provided*, That in case of the neglect or refusal of the city controller to itemize the expenditures of the city in his annual report, as provided in this section, it shall be the duty of the common council to provide for such deficiency, by including it in the tax levy of the current year.

CHAPTER VI.

BOARD OF PUBLIC WORKS.

SECTION 1. There is hereby established an executive department of the municipal government of the city of St. Paul, to be known as "The Board of Public Works of the city of Saint Paul," to be constituted and organized as hereinafter provided.

SEC. 2. The said board of public works shall consist of five reputable freeholders and qualified electors of said city, no two of whom shall be residents of the same ward, and none of whom shall be members of the common council of said city, or hold any other office under the charter and ordinances of the city. They shall be appointed by the mayor by and with the advice and consent of the common council, on the second Monday of March in each year or as soon thereafter as practicable, and their term of office shall be for the period of three years and until their successors are appointed and qualified. *Provided*, That the present members of said board shall hold their offices for the terms for which they were respectively appointed, and until their successors are appointed and qualified; and *provided further*, That the persons to be appointed in the places of those members whose terms will expire in the year eighteen hundred and seventy-four, shall be appointed for the term of one, two and three years respectively, the period of the term of such members to be designated by the mayor in his appointments. In case the office of any member shall become vacant during his term, the said mayor shall, in like manner, as soon as practicable thereafter, appoint a person of like qualifications aforesaid, to fill said vacancy

during said unexpired term and until a successor shall be appointed and qualified. In case any member of said board is sick, or temporarily absent from said city, or otherwise temporarily prevented from acting as a member of said board, or is interested in any specific lot or parcel of land in relation to which said board are to act in making an assessment, the said mayor may upon request to him by any member of the board or property owner interested, appoint a suitable person with like qualifications of members of said board, to act in place of any member prevented from acting as aforesaid or interested as aforesaid, pro tempore.

SEC. 3. The said mayor shall deliver to each person appointed by him as aforesaid, pro tempore or otherwise, a certificate of his appointment, and each of said persons shall, before entering upon the discharge of his duties, take and subscribe an oath, to be endorsed upon such certificate, to the effect that he will faithfully and impartially execute his duties to the best of his abilities, and cause such certificate and oath within ten days after said appointment to be deposited with the register of deeds of the county of Ramsey, whose duty it shall be to file and record the same, at the expense of said city.

SEC. 4. In case of any person so appointed by said mayor failing for the space of ten days after receiving his certificate of appointment, to deposit the same, with his oath aforesaid in the office of said register of deeds as aforesaid, or in case any member of said board shall remove into or become a resident of a ward wherein another member resides, the said office shall be declared vacant by the said mayor upon the fact being made known to him. Any member wishing to resign his office shall tender his resignation in writing to the said mayor, who shall be at liberty to accept or reject the same.

SEC. 5. Each member of said board so appointed by said mayor, except as herein otherwise provided, shall be entitled to receive a compensation from said city for his services at the rate of six hundred dollars per annum and no more, except the president, who shall receive the sum of eight hundred dollars per annum, and no more, payable out of the general fund, as in the case of other city officers; and any person appointed to act as a member of said board, pro tempore, as aforesaid, shall be entitled to compensation from said city at the rate of three dollars per day, and no more, for every day in which he shall be actually so employed.

SEC. 6. No member of the board of public works, nor officer or clerk in their employ, shall be interested, either directly or indirectly, in any contract made and entered into by said board of public works, for any work or for any materials to be furnished therefor; and all contracts made with said board, in which any member or officer of said board shall be so interested, shall, at the

option of the city, be declared utterly void and of no binding effect whatever; and any member or officer of said board, interested in any contract, shall thereby forfeit his office, and be removed therefrom on proof of such delinquency; and it is hereby made the duty of each member of said board of public works, and of the mayor and of every officer of said city to report to the common council any such delinquency when discovered. Any member, officer or clerk of said board, who shall be interested, directly or indirectly, in any such contract or contracts aforesaid, and any contractor or other person who shall take any such contract or contracts with knowledge of such interest of such member, officer or clerk of said board in said contract or contracts, or who shall corruptly influence or attempt to influence the action of any member, officer or clerk of said board, in the letting, making or entering into any contract, or in the performance of any official duty of such member, officer or clerk, shall be guilty of a misdemeanor, and liable on indictment and conviction thereof, to be punished by imprisonment for a period of not exceeding six months, or a fine not exceeding one thousand dollars, or by both such imprisonment and fine in the discretion of the court.

SEC. 7. Any member of said board may be removed for cause by a two-third vote of all the aldermen authorized to be elected and under the same regulations as provided by this act in relation to elective officers of said city, and not otherwise.

SEC. 8. The board of public works, as provided for under this act, shall be deemed and is hereby declared to be a continuation of the present board of public works of the city of Saint Paul, created under laws prior to this act.

SEC. 9. Said board shall annually elect one of their number President; and they shall have the power to establish by laws, rules and regulations for their government and the officers and employees thereof.

SEC. 10. They shall appoint a clerk of said board, whose duty it shall be to keep the records and papers thereof, and he shall record their proceedings and perform such other duties as may be assigned to him by said board, he shall receive a salary, to be fixed by said board of public works, with the concurrence of the common council of said city, payable out of the general fund, as in the case of other city officers. Before entering upon the discharge of his duties, he shall take and subscribe an oath that he will faithfully execute his duties to the best of his ability; he shall also execute a bond to the city of Saint Paul with sureties in such sum and upon such conditions as may be approved by said board, which bond shall be filed with the city clerk. Such clerk shall be removable at any time at the pleasure of said board.

SEC. 11. Said board shall appoint some competent and scientific person as civil engineer to said board, who shall be removable at the pleasure of said board. Said engineer shall perform all the civil engineering required by said board in the prosecution of all public works committed to their charge, or required by said board, in connection with their official duty; he shall be ex-officio city engineer and perform such other civil engineering and surveying, as may be directed by the common council of said city, or as may be required by the charter and ordinances thereof. He shall receive a salary, to be fixed by said board of public works, with the concurrence of the common council of said city, payable out of the general fund as in the case of other city officers, and he shall be entitled to such additional compensation for assistants as may be allowed by said board, with the concurrence of the common council. Said engineer shall, within ten days after his appointment, take and subscribe an oath to the effect that he will faithfully execute his duties to the best of his ability, and he shall also execute a bond to the city of Saint Paul, with sureties in such sum and upon such condition as shall be approved by said board.

SEC. 12. Meetings of said board shall be called by the president, or a majority of said board; and they may meet at such stated times, and in such manner as may be established by their rules, by-laws or regulations.

SEC. 13. The duties of the president shall be prescribed by the by-laws of said board, and in his absence the board may appoint a president pro tempore, with like powers and duties, any member failing to attend a regular or special meeting of said board, except in case of sickness, or absence from the city with leave of the board, shall pay a fine of ten dollars for each failure, to be entered upon the minutes of said board, and reported to the controller and deducted from his monthly pay. A majority of the board shall constitute a quorum for the transaction of business, and they shall cause to be kept a record of their proceedings, which shall at all times be open to public inspection. The said board shall furnish the common council of said city whenever required, with any information needed in relation to their proceedings.

SEC. 14. The said board of public works shall as soon after their organization as practicable, appoint two street inspectors, whose duty it shall be to render their personal services in repairing the streets of said city, and to perform such other services and duty, and in such localities as the said board may prescribe or direct. The said street inspectors shall be removable at the pleasure of said board, and shall receive such compensation as the said board of public works with the concurrence of the common council may determine, said street inspectors before entering upon the discharge of

their duties, shall take and subscribe an oath to the effect that they will faithfully discharge their duties, and shall also give bond to said city of Saint Paul with sureties, in such sum and upon such conditions as said board may approve, which said bond shall be filed with the controller of said city.

SEC. 15. The board of public works may adopt and use a common seal and alter the same at pleasure.

SEC. 16. A majority of said board shall be a quorum, in all cases where a full vote of all the members may not be expressly required, and said board may adjourn from time to time. In case a quorum is not present at any meeting, the member or members present may adjourn said board to another day; and in case none of the members are present at any time appointed for a meeting of said board, the clerk of said board may adjourn the same to another day.

CHAPTER VII.

LOCAL IMPROVEMENTS AND SPECIAL ASSESSMENTS THEREFOR.

TITLE I.

STREETS, SIDEWALKS, ETC.

SECTION 1. The municipal corporation of the city of Saint Paul is hereby authorized to levy assessments for local improvements upon the property fronting upon such improvements, or upon the property to be benefited by such improvements, without regard to a cash valuation.

SEC. 2. Such assessment may be made by the said city of Saint Paul for filling, grading, leveling, paving, curbing, walling, bridging, graveling, macadamizing, planking, opening, extending, widening, contracting, altering and straightening any street, lane, alley, or highway, and for keeping the same in repair; also for filling, grading, protecting, improving and ornamenting any public park, square or grounds, now or hereafter laid out; also for constructing, laying, relaying and repairing cross and sidewalks, area walls, gutters, sewers and private drains.

SEC. 3. The expenses of any improvements mentioned in the foregoing section may be defrayed, save as herein otherwise provided, by an assessment upon the real estate benefited thereby, or by an assessment upon the real estate fronting thereon, to be levied in the manner hereinafter prescribed. *Provided*, That cross footwalks over public streets, lanes or alleys, shall be paid out of the improvement fund of the proper ward, also all cross footwalks and sidewalks adjacent to public squares, public grounds, and public

parks, shall be paid out of the general fund of said city, and that all or any part of the expense of improving or ornamenting public grounds, squares and parks, may, if the common council of said city deem it expedient, be paid out of the improvement fund of the proper ward, or the general fund of said city.

SEC. 4. All assessments for local improvements aforesaid, as provided in this chapter, shall be made by the board of public works of the city of St. Paul, except as may be herein otherwise provided.

SEC. 5. All applications or propositions for any improvement mentioned in section two of this chapter, shall be made to or emanate from the common council of said city, and shall, except in the case of sidewalks, be first referred to the board of public works by the said common council. *Provided*, That any such application made to the said council shall be in writing, and that said council shall not be required to proceed further with any such application by a reference to the board of public works, or otherwise, unless said council is satisfied that a majority of the property owners, who would probably be assessed for the expense of any such improvement have subscribed such application. Upon such reference said board shall then proceed to investigate the same; and if they shall determine that such improvement is necessary and proper, they shall report the same to the common council, accompanied with an estimate of the expense thereof, and a proper ordinance or order directing the work. If they do not approve of such application or proposition, they shall report the reasons for their disapproval, and, in case of such disapproval, the said common council shall not order the doing of such work, or the making of such public improvement, except by a vote of two-thirds of all the members elect of said council. *Provided*, That in case such disapproval of said board is by an unanimous vote of all the members elect of said board, such work or improvement shall only be ordered by said council by an unanimous vote of all the members thereof elect. In case the said board shall report in favor of said improvement, or some part thereof, or a modification of said improvement, the common council may, in their discretion, (unless otherwise provided for in this chapter,) order the doing of such work, or the making of said public improvement; and, in all cases, the common council, after having obtained from said board of public works an estimate of the expense, may make such modifications of the proposed plan as may be petitioned for by any of the owners of the property to be assessed, or as the council may think proper. *Provided*, That such modification shall not materially change the character and object of the improvement as reported by said board, or materially increase the expense thereof. *Provided, however*, That the council shall, in no case, or-

der the doing of any of such work or the making of any such improvement unless in their opinion real estate to be assessed for such work or improvement can be found benefited to the extent of the damages, costs and expense necessary to be incurred thereby.

SEC. 6. In case such improvement referred to in the preceding section shall relate to the opening, straightening, widening, contracting, altering, extending, or grading of any street, lane, alley, or highway or public grounds in said city, and said board shall report in favor of the same, they shall furnish the said common council as part of their said report, with a plan or profile of the contemplated improvement, and shall also report whether, in their opinion, real estate to be assessed for said improvement can be found benefited to the extent of damages, costs and expenses necessary to be incurred thereby, and whether the said improvement is asked for upon the petition or application of the owners of a majority of the property to be assessed for such improvement, and if it appear by such report that the owners of a majority of the property so to be assessed have not petitioned therefor, the same shall be ordered only by the votes of at least two-thirds of all the members elect of said council.

SEC. 7. Whenever any order is passed by the common council by virtue hereof for the making of any public improvement (mentioned in section two of this chapter, save as herein otherwise provided,) which shall require the appropriation or condemnation of any land or real estate, the said board of public works shall, as soon as practicable, proceed to ascertain and assess the damages and recompense due the owners of such land respectively, and at the same time to determine what real estate will be benefited by such improvement and assess the damages, together with the costs of the proceedings, on the real estate by them deemed benefitted, in proportion, as nearly as may be, to the benefit resulting to each separate lot or parcel.

SEC. 8. The said board of public works shall then give fifteen days notice by publication in the official newspaper of the city, of the time and place of their meeting, for the purpose of making said assessment; in which notice they shall specify what such assessment is to be for; and they shall describe the land to be condemned as near as may be done by general description; said notice shall be published at least three times, and said period of fifteen days shall commence from the first publication; and all persons interested in any such improvement shall have the right to be present and be heard, either in person or by counsel, and the city attorney as counsel for the city of St. Paul, shall be permitted to appear before them at such hearing to represent the interests of said city. The said board shall view the premises to be condemned, and receive any legal evi-

dence that may be offered for the purpose of proving the true value thereof, or the damages that will be sustained, or benefit conferred by reason of the contemplated improvement; and the said board for this purpose are hereby authorized to administer oaths to all witnesses produced before them, and they may adjourn from time to time, and place to place, until such assessment is completed.

SEC. 9. The said board of public works in making said assessments, shall determine and appraise to the owner or owners the value of the real estate appropriated for the improvement, and the injury arising to them respectively, from the condemnation thereof, which shall be awarded to such owners respectively, as damages, after making due allowances therefrom for any benefit which such owners may respectively derive from such improvements.

SEC. 10. If the damage to any person be greater than the benefit received, or if the benefit be greater than the damage, in either case the said board of public works shall strike a balance, and carry the difference forward to another column, so that the assessment may show what amount is to be received or paid by such owners respectively, and the difference only, shall in any case be collectable, of them or paid to them.

SEC. 11. In the assessment of damages and benefits for the opening of any street or alley, it shall be lawful for the said board of public works in their discretion, in making such assessment, where part of the land to be laid out into such street or alley, has been theretofore donated by any person or persons for such street or alley, to appraise the value of the land so donated, and to apply the value thereof as far as the amount so appraised shall go, as an offset to the benefits assessed against the person or persons making such donation, or those claiming under them; but nothing herein contained shall authorize any person or persons by whom such donation is made, to claim from the city the amount of such appraisal, except as an offset as herein provided. And where the assessment is one for the widening of any street which may have been theretofore, either in whole or any part, donated to the public by the proprietors of the adjoining land, it shall also be lawful for said board of public works in their discretion, to make such allowance therefor, in their assessment of benefits, as shall in their opinion be equitable and just.

SEC. 12. If there should be any building standing in whole or in part, upon the land to be taken, the said board of public works shall add to their estimate of damages for the land, the damages also for the building or part of building necessary to be taken, if it be the property of the owner of the land. When owned by any other person, the damages for the building shall be assessed separately. The value of such building to the owner to remove, or of

the part thereof necessary to be taken, shall also be determined by the said board of public works, and notice of such determination shall be given by them to the owner when known, if a resident of the city, or left at his usual place of business or abode. If the owner is not known, or is a non-resident, twenty days notice to all persons interested shall be given by publication in the official paper of the city; such notice shall be published at least five times, and said period of twenty days shall commence from the first publication. Such owner may at any time, within twenty days after service, or the first publication of such notice, notify to such board of public works, in writing, his election to take such building or part of building at their appraisal; and, in such case, the amount of such appraisal shall be deducted by the said board of public works, from the estimated damages for the land and building, where they belong to the same owner, and from the estimated damages for the building where they belong to different owners; and the owner shall have such time for the removal of the building after the confirmation of the assessment, as the board of public works may allow. If the owner shall refuse to take the building at the appraisal, or fail to give notice of his election as aforesaid, within the time prescribed, then no deduction shall be made from the estimated damages aforesaid, and the said board of public works shall, after the confirmation of the assessment, and after the money is collected or otherwise provided and ready in the hands of the treasurer, to be paid over to the owner for his damages, proceed to sell such building or part of building at public auction, for cash, giving at least ten days' public notice of the sale by publication in the official paper of the city, and cause such building to be then forthwith removed. The proceeds of such sale shall be paid into the city treasury, to the credit of special assessment fund raised for the said improvement. Said ten days' notice shall be published at least five times, and said period of ten days shall commence from the first publication.

SEC. 13. If the lands and buildings belong to different persons, or if the land be subject to lease, the injury done to such persons, respectively, may be awarded to them by the board of public works, less the benefits resulting to them, respectively from the improvement.

SEC. 14. Having ascertained the damages and expenses of such improvement, as aforesaid, the said board of public works shall thereupon apportion and assess the same, together with costs of the proceedings upon the real estate by them deemed benefited, in proportion to the benefits resulting thereto from the improvement, as nearly as may be, and shall briefly describe the real estate upon which their assessments may be made; and it shall constitute no

legal objection to such assessment, that the amount thereof either exceeds or falls short of the original estimate of the cost of the improvement submitted to the common council by the board of public works.

SEC. 15. When completed, the said board of public works shall cause the assessment aforesaid of damages and benefits to be entered in a book to be kept for that purpose by the clerk of said board. After the same is so entered, notice shall be given by said board by publication in the official paper of the city, for at least ten times, to the effect that such assessment has been completed and entered as aforesaid, and that at a time and place therein specified the said board will meet for the purpose of hearing objections, and that all such objections must be filed, in writing, with the clerk of said board, at least one day prior to said meeting, and that unless sufficient cause is shown to the contrary, the same will be confirmed. All objections to said assessment shall be in writing, and filed with the clerk of said board at least one day prior to the said meeting of said board last mentioned. *Provided*, That the said board may, in its discretion, allow any party interested, who has accidentally or inadvertently omitted to file his objections aforesaid, to do so at the time of meeting of said board aforesaid. Should no quorum be present at the said appointed meeting of said board, the said meeting may be adjourned by the member or members of said board present, or if none of the members are present, by the clerk of said board, to such other convenient time and place as may be deemed expedient. *Provided*, That nothing herein contained shall preclude the said board from causing a new notice aforesaid to be given of a meeting of the said board for the purpose of hearing objections to said assessment, and for the confirmation thereof in manner as before required, in case the previous notice shall be found imperfect, or in case of a defect in the attendance of the members of said board, or for any other reason which shall be satisfactory to said board for so doing. The said board shall have the power to adjourn such hearing from time to time, and shall have power, in their discretion to revise and correct the said assessment, and to confirm or set aside the said assessment and proceed to make an assessment, *de novo*. Said assessment, when confirmed, shall be final and conclusive upon all parties interested therein, except as hereinafter provided. When said assessment is confirmed, and when no appeal is taken thereto as herein provided, a warrant under the seal of said board, shall issue to the treasurer of said city for the collection of the same from the property upon which the same has been assessed, signed by the mayor, clerk of said board, and the city controller. If said assessment shall be set aside by the said board aforesaid, or by the court, the said board of public works shall pro-

ceed *de novo* to make another or new assessment, and they shall proceed in like manner and give the like notice as herein required in relation to the first, and all parties in interest shall have the like rights; and the said board shall perform like duties, and have like powers in relation to any subsequent determination as are hereby given in relation to the first. As soon as practicable after the said assessment has been confirmed and entered, the clerk of said board shall cause a brief notice of the fact of such confirmation and entry to be published in the official paper of said city at least three successive days upon which said paper is published.

SEC. 16. Any person whose property has been appropriated and who has filed objections to such assessment as hereinbefore provided, shall have the right at any time within twenty days after the first day of publication of said notice provided for in the next preceding section, to appeal to the district court of the county of Ramsey or to the court of common pleas of the county of Ramsey, of this state, at the next general term of such court then ensuing from the order confirming said assessment. Said appeal shall be made by filing a written notice with the clerk of the board of public works, specifying the name of the court in which the appeal is taken, and a description of the property of said appellant so appropriated, and the objections of said appellant to such assessment, and by filing with the clerk of said court, last aforesaid, a bond to the city of St. Paul, conditioned to pay all costs which may be awarded against the appellant, in such sum and with such surety as shall be approved by the judge of said court last mentioned, or in case of his absence or inability to act, by the judge of any court of record of this state, together with a copy of such notice with the date of filing thereon certified by the clerk of the board of public works. In case of appeal, a copy of the assessment roll as confirmed aforesaid, and of the objections as aforesaid made to the confirmation thereof certified by the clerk of said board, at the expense of the appellant, shall be filed in the office of the clerk of the court to which such appeal shall be taken, and the cause shall be docketed by such clerk in the name of the person taking such appeal, against the city of Saint Paul as an "appeal from assessments." The said cause shall then be at issue and shall have the preference in order of trial over all civil causes pending in said court. Such appeal shall be tried in said court as in the case of other civil causes except that no pleading shall be necessary, and on such trial the only questions to be passed upon shall be whether the said board of public works had jurisdiction in the case and whether the valuation of the property specified in the objections is a fair valuation, and the assessment, so far as it effects said property, is a fair and impartial assessment. The judgment of the court shall be either to confirm or

annul the assessment in so far as the same affects the property appropriated aforesaid of the said appellant, from which judgment no appeal or writ of error shall lie.

Sec. 17. When such assessment shall have been confirmed, and no appeal taken therefrom, or if an appeal shall have been taken, when judgment shall have been rendered thereon, the same shall be a lawful and sufficient condemnation of the land or property ordered to be appropriated. The common council shall thereupon cause to be paid to the owner of such property or to his agent, the amount of damages over and above all benefits which may have been awarded therefor, as soon as a sufficient amount of the assessment shall have been collected for that purpose, but the claimant shall in all cases furnish an abstract of title, showing himself entitled to such damages, before the same shall be paid. If in any case there shall be any doubt as to who is entitled to the damages for land taken, the city may require of the claimant a bond with good and sufficient sureties, to hold the city harmless from all loss, costs and expenses, in case any other person should claim such damages. In all cases the title to land taken and condemned in the manner aforesaid, shall be vested absolutely in the city of Saint Paul, in fee simple.

Sec. 18. As soon as the money is collected and ready, in the hands of the treasurer, to be paid over to parties entitled to damages for property condemned, ten days' notice thereof by one publication, shall be given by the city treasurer in the official paper of the city, and the city may then, and not before, enter upon, take possession of, and appropriate the property condemned; and whenever the damages awarded to the owner of any property condemned by said city for public use shall have been paid to such owner, or his agent, or when sufficient money for that purpose shall be in the hands of the city treasurer, ready to be paid over to such owner, and ten days' notice thereof shall have been given in the official paper of the city, the city may enter upon and appropriate such property to the use for which the same was condemned.

Sec. 19. When the whole of any lot or parcel of land or other premises under lease or other contract, shall be taken for the purposes aforesaid by virtue of this act, all the covenants, contracts and engagements between landlords and tenants, or any other contracting parties, touching the same or any part thereof, shall, upon publication of the notice required in the preceding section, respectively cease and be absolutely discharged.

Sec. 20. Where part only of any lot or parcel of land or other premises so under lease, or other contract shall be taken for any of the purposes aforesaid by virtue of this act, all the covenants, contracts, agreements and engagements respecting the same, upon publication of the aforesaid notice, shall be absolutely discharged,

as to the part thereof so taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable and to be paid for in respect to the same, shall be so proportioned as that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid and recoverable for the same.

SEC. 21. Any proceedings taken by the said board of public works, in carrying out the provisions of this chapter, shall be recorded in a book or books kept for that purpose by the clerk of said board, describing particularly the respective improvements, and the real estate taken and assessed. The said books in which said proceedings have been entered aforesaid, and the official files and papers of said board of public works, shall be deemed public records, and be *prima facie* evidence of the facts therein stated; and certified copies thereof by the clerk, or officer having proper custody thereof, with the seal of said board attached, shall be evidence in all courts to the same effect as if the originals were produced. The clerk of said board shall be entitled to receive from any private party, for any certified copy or transcript aforesaid furnished such private party, the like fees as are received for such services by the clerk of any court of record in this state.

SEC. 22. The common council of said city may cause sidewalks to be constructed, relaid or repaired, whenever they deem that the public interest requires it, without a reference to the board of public works. Whenever said council shall order the construction of such sidewalks, a copy of such order shall be transmitted to the board of public works, whose duty it shall be, thereupon to cause proposals for doing said work to be advertised for in the official paper of said city, in the same manner and for the same length of time as in the case of other public improvements, specifications for doing the same being first deposited with the clerk of said board, and said work shall be let and placed under contract in the same manner and under the same regulations as provided for in other cases of public improvements, for which an assessment is to be made. As soon as the contract is let the said board shall give at least ten days' notice by publication in the official newspaper of said city to the effect that at a certain time and place they will proceed to make an assessment to pay for constructing, relaying or repairing said sidewalks, said notice shall briefly describe the location and nature of said improvement, and shall be published at least three times, which period of ten days shall commence with the first publication of said notice, at the time and place specified in said notice or such other time and place as may be fixed by adjournment the said board shall assess the amount as nearly as they can ascertain the same, which will be required to defray the cost of such improve-

ment including the necessary expense of making and collecting such assessment upon the real estate or lots of land fronting on said improvement. In making said assessment the said expense and cost shall be apportioned in accordance with the number of lineal feet of said real estate or lots of land fronting on said improvement as aforesaid. When said assessment is completed the said board shall give six days' notice by one publication in the official newspaper of the city to the effect that at a time and place therein specified that said assessment will be confirmed unless cause is shown to the contrary, and that objections must be filed one day before such time of meeting, with the clerk of said board. Such objections shall be made and filed in the same manner, and said board shall proceed in hearing the same and have the same power to revise, correct, confirm, or set aside such assessment or proceed *de novo*, as provided in section fifteen of this chapter. Said assessment, when confirmed, shall be final and conclusive, and no appeal shall lie therefrom. A warrant shall issue for the collection thereof, and said assessments shall be enforced and collected as other assessments made under this chapter.

SEC. 23. Whenever any order shall be finally passed by the common council of said city as heretofore provided, for filling, grading, leveling, paving, curbing, walling, bridging, graveling, macadamizing or planking any street, lane, alley or highway, or for keeping the same in repair; or for filling, grading, protecting, improving or ornamenting any public square; or for constructing area walls, gutters, sewers, and private drains, the city clerk shall transmit a copy of such order of said council to said board of public works. The said board of public works shall cause the said work to be let and done as hereinafter provided; and after the whole of said work shall have been placed under contract as hereafter provided, the said board shall thereupon proceed, without delay, to assess the amount as nearly as they can ascertain the same, which will be required to defray the cost of such improvement, including the necessary expense of making such assessment, in proportion as nearly as may be, to the benefit resulting thereto, in manner hereinafter provided. *Provided*, That in the repairing of any street, alley, highway, public ground, bridges, or sewers, the cost of which repairs is estimated not to exceed the sum of two hundred dollars, may be done under the direction of said board, and in such case shall be paid out of the street improvement fund of the proper ward; and, *Provided further*, That nothing herein contained, shall prevent the said common council of said city from ordering the construction of one or more main sewers or culverts in accordance with any general system of sewerage which said council may adopt, and from dividing under such general system of sewerage, the said city into two or more sewerage districts, or

from ordering the cost of such main sewers or culverts to be paid by the city at large, or from a district sewerage fund in each of such sewerage districts as the common council may prescribe, or as may be provided in the act entitled an act relative to sewerage in the city of Saint Paul, passed February 17th, 1873, which act is hereby continued in force.

SEC. 24. When, in any case, any portions of the cost and expense of making any improvement mentioned in the foregoing section, shall, by virtue of any valid law or ordinance, or by virtue of any valid contract, be chargeable upon any railway company, the amount so chargeable may be assessed upon such railway company and the balance only upon the real estate benefited thereby, and the city may collect the amount so assessed upon said railway company, by distress and sale of personal property, in the manner provided for by the general laws of this state, in the case of taxes levied upon personal property, or by suit brought for that purpose; *Provided*, That any real estate belonging to such railway company, and deemed benefited by the said improvement, shall be assessed as in other cases.

SEC. 25. Before proceeding to make an assessment for any improvement mentioned in section twenty-three, said board of public works shall give six days' notice by publication in the official paper of said city, of the time and place of their meeting for the purpose of making such assessment, in which notice they shall specify what such assessment is to be for, and the amount to be assessed; said notice shall be published at least two times, and said period of six days shall commence from the first publication. The said board shall also give at least four days personal notice to the same effect to all property holders interested, or their agents, resident in the city of St. Paul, if known to the said board and found, but the failure to give such personal notice shall in nowise affect the validity of said assessment, or of any of the proceedings. All persons interested in any such assessment, shall have the right to be present and be heard, either in person or by counsel, and the said board may in their discretion, receive any legal evidence, and may adjourn, if necessary, from time to time, and place to place.

SEC. 26. When the said board of public works shall have completed their assessment provided for in sections twenty-three, twenty four and twenty-five, they shall cause like notice to be given of the time and place when said board shall meet to hear objections and for the confirmation of such assessment, as hereinbefore required, in relation to assessments for the condemnation of real estate; and objections shall be made in like manner, and under the same regulations and conditions, and all parties in interest, shall have the like rights, (except the right of appeal,) and the said

board of public works shall perform like duties, and have like power in relation to such assessments as are herein given in relation to such assessments for the condemnation of real estate. When confirmed by the said board of public works, said assessment shall be final and conclusive upon all parties interested therein, and shall be collected as in other cases, and no appeal shall lie in any case from the order of confirmation. If any assessment be annulled or set aside, the said board of public works shall proceed *de novo* to make another or new assessment in like manner, and give like notice as herein required in relation to the first.

SEC. 27. Whenever any public improvement shall be ordered for which an assessment is to be made, as aforesaid, the said board of public works shall cause proposals for doing said work to be advertised in the official paper of said city, a plan or profile of the work to be done, accompanied with specifications for the doing of the same, being first deposited with the clerk of said board, to be kept by him at all times open for public inspection; which advertisement shall be published for at least ten times in said official paper, and shall state substantially the work to be done. The bids for the doing of such work shall be sealed, bids directed to the board of public works of the city of Saint Paul, and shall be sealed in such a manner that they cannot be opened without detection, and shall be accompanied by a bond to the city of St. Paul, in the sum not less than twenty per cent. of the cost of the work, according to the price bid, as nearly as can be ascertained, executed by the bidder and two responsible sureties; conditioned, that he shall execute the work for the price mentioned in his bid and according to the plans and specifications, in case the contract shall be awarded to him. And in case of default on his part to execute the contract and perform the work, said bond may be sued and judgment recovered thereon by the said city, for the full amount thereof, in any court having jurisdiction of the amount. Said bids shall be opened by said board at their next meeting after the time limited for such proposals, or such other time thereafter as said board may appoint.

SEC. 28. All contracts shall be awarded to the lowest reliable and responsible bidder or bidders, who shall have complied with the above requisition, and who will sufficiently guarantee to the satisfaction of the said board the performance of said work to the satisfaction of said board. Such contract shall be made on the part of said board, in the name of the city of St. Paul, and shall be executed on the part of said city by the president of said board, or such of their members as said board may designate; and the corporate seal of said board shall be thereto attached, and the said contract shall be countersigned by the city controller. A copy of said contract shall be filed in the office of the city controller

and registered in a book, kept by said controller for that purpose; *Provided*, That said board may reject any bid which they shall deem unreasonable or unreliable. *And provided further*, That no contract shall be awarded except upon or by the vote of at least three members of said board in favor thereof.

SEC. 29. The said board of public works shall reserve the right in their said contracts in case of improper construction to suspend the work at any time, and re-let the same or to order the entire reconstruction of said work, if improperly done. In cases where the contractor or contractors shall proceed to properly perform and complete the said contracts, the said board of public works may, from time to time, in their discretion as the work progresses, grant to said contractor or contractors, an estimate of the amount already earned, reserving fifteen per cent. therefrom, which shall entitle said contractor or contractors to receive the amount which may be due thereon, when there is money applicable to the payment of such work. When the whole work has been completed by such contractor or contractors, to the satisfaction of the board of public works, the amount or balance due him shall be audited and allowed by the common council of said city, and shall be payable out of the moneys applicable to the payment of such work.

SEC. 30. Two or more of the notices required or authorized by this act to be given by the board of public works or the city clerk, by publication in the official paper of the city, in any special assessment proceedings, may be comprised in one advertisement. *Provided*, Such notices are of the same general character, or for like object, and, *provided*, that in other respects, the notice so published shall sufficiently comply with the essential statutory requirements. And the provisions of this section shall extend to and embrace all notices required to be given in the official paper of the city, by the city treasurer, or the delivery to him of all special assessment warrants for collection, and of his intended application to some court of general jurisdiction for judgment thereon, provided for by this chapter.

SEC. 31. When any special assessment shall have been confirmed aforesaid, for improvements aforesaid, or for benefits aforesaid, it shall be the duty of the clerk of the board of public works to issue a warrant for the collection thereof, which shall be under the seal of said board, and signed by the mayor, controller and clerk of said board, and shall contain a printed or written copy of the assessment roll as confirmed aforesaid, or so much thereof as describes the real estate and the amount of the assessment in each case. In case of an appeal as provided for by section sixteen, said appeal shall not delay or affect the collection of the assessment under such warrant except as to the property of such appellant appropriated aforesaid.

And in case such appeal shall be sustained, and the assessment in relation to said property appropriated of said appellant shall be set aside by the court, the board of public works shall make a new assessment as to the property of such appellant last mentioned, proceeding *de novo*, as to the same in accordance with the provisions relating to improvements referred to in section seven; and in case the amount of damages or recompense which said board of public works may award such appellant upon such new assessment shall exceed the first, the difference shall be paid by said city of Saint Paul, and charged to the street improvement fund of the proper ward.

Sec. 32. All warrants issued for the collection of special assessments shall be delivered by the controller to the city treasurer, taking his receipt therefor.

Sec. 33. Upon the receipt of any warrant for the collection of any special assessment, the city treasurer shall forthwith give notice by ten days' publication in the official newspaper of the city, that such warrant is in his hands for collection, briefly describing its nature, and requesting all persons interested to make immediate payment at his office, and that in default thereof the same will be collected at the cost and expense of the persons liable for the payment of such assessments.

Sec. 34. All assessments levied under the provisions of this chapter, shall be a paramount lien on the real estate on which the same may be imposed, from the date of the warrant issued for the collection thereof. It shall be the duty of the treasurer of said city, upon receipt of said warrant, to forthwith deposit a copy thereof, certified by him, with the register of deeds of the county of Ramsey, whose duty it shall be to file the same in his office, for which filing said register of deeds shall be entitled to receive from said city the sum of twenty-five cents. And it shall be the duty of the city treasurer, whenever any assessment on any parcel of land has been fully satisfied, to enter satisfaction, without fee, over his own signature, opposite the description of said parcel of land on said copy so filed, and for this purpose the said city treasurer shall have free access thereto, without payment of any fee to said register of deeds.

Sec. 35. If the assessments charged in any special assessment warrant, whether made by reason of the appropriation or condemnation of land, or for any other improvements whatsoever under the provisions of this chapter, shall not be paid within thirty days after the first day of publication of notice by the city treasurer, that he has received such warrant for collection; the assessment then remaining unpaid shall be collected with interest at the rate of two

per cent. thereon for each and every month thereafter, until the same shall be paid.

SEC. 36. It shall be the duty of the city treasurer, immediately after the expiration of the thirty days mentioned in the preceding section, to report to the district court, or the court of common pleas of Ramsey county, at any general or special term thereof, all assessment warrants for the collection of any assessments under the provisions of this chapter which have been delivered to him, and then and there ask for judgment against the several lots and parcels of land described in such warrants, for the amounts of assessments, interest, and costs respectively due thereon. The city treasurer shall previously give at least ten days' notice by three publications in the official paper of said city, of his intended application for judgment, which notice shall briefly specify the respective warrants upon which such application is to be made, and a description of the property against which judgment is desired, and require all persons interested to attend at said term; said period of giving notice shall begin from the first publication of said notice. Said board shall also give six days' personal notice to the same effect, to all property holders interested or their agents resident in the city of Saint Paul, if known to the said board and found, but the failure to give such personal notice shall in no wise affect the validity of the judgment applied for, or, of any of the proceedings. The advertisement so published shall be deemed and taken to be sufficient and legal notice of the aforesaid and intended application by the city treasurer to such court for judgment, and shall be held a sufficient demand and refusal to pay the said assessment.

SEC. 37. The city treasurer shall obtain a copy of the advertisement or advertisements referred to in the preceding section, together with an affidavit of the due publication thereof, from the printer or publisher of the newspaper in which the same was published, and shall file the same with the clerk of such court, at the said term with said reports.

SEC. 38. The clerk of said court, upon the filing of such reports of the city treasurer, shall receive and preserve the same, and shall annex thereto or file therewith all judgments, orders and other proceedings of said court in relation thereto. Each of said reports shall constitute a separate proceeding or suit, and shall be docketed by the clerk of said court in a suitable record book, to be kept by him for that purpose, substantially in the following form, "to-wit:":

City of Saint Paul, vs.	certain lots of land	suit
for assessment on warrant for		or in such other manner
as will sufficiently indicate the nature of the improvement for which		
the assessment is made, in which said record book, the judgment		
when rendered, shall also be docketed. <i>Provided, however, That</i>		

the court may, by rule or otherwise, direct how, and in what form such proceedings and judgments may be entered or docketed, and what further record, if any, shall be made thereof, and what papers shall be filed and how kept and preserved.

SEC. 39. It shall be the duty of the court upon the filing of said reports, to proceed immediately to the hearing of the same, and they shall have priority over all other causes pending in said court. The said court shall pronounce judgment against the several lots and parcels of land described in said reports for which no objection shall be filed for the amount of the assessment, interest, damages and costs due severally thereon. The owner of any property described in said reports, or any person beneficially interested therein, may appear at the said court at the time designated in the city treasurer's notice, and file objections in writing to the recovery of judgment against such property; no objection shall be interposed or sustained in relation to any of the proceedings prior to the confirmation of the assessment except to the jurisdiction of the common council or the board of public works, and no objections as to any other of the proceedings shall be sustained on any mere formal irregularity or defect, and the city treasurer may amend by leave of the court in its discretion in any matter in furtherance of justice. The court shall hear and determine all objections in a summary manner without pleadings, and shall dispose of the same with as little delay as possible, consistently with the demands of public justice; but should justice require that for any cause the suit as to one or more owners should be delayed, judgment shall then be rendered as to the other property and lands, and process shall issue for the sale thereof, the same as in all other cases.

SEC. 40. In all cases where judgment shall be rendered by default against the property described in said reports, the court shall thereupon direct the clerk of said court to make out and enter an order for the sale of the same, which said order shall be substantially in the following form:

WHEREAS, due notice has been given of the intended application for a judgment against said lands, and no owner hath appeared to make defense or show cause why judgment should not be entered against the said lands and other property for the assessment, damages, interest and costs due and unpaid thereon, *Therefore*, It is considered by the court, that judgment be and is hereby entered against the aforesaid lots and parcels of land in favor of the city of St. Paul, for the sum annexed to each lot or parcel of land, being the amount of assessment, interest, damages and costs due severally thereon; and it is ordered by the court, that the several lots and parcels of land, or so much thereof as shall be sufficient of each of them to satisfy the amount of assessment, interest, damages and costs, annexed to them severally, be sold as the law directs.

In all cases where a defense shall be interposed and judgment shall be rendered against the property, a similar order adapted to the circumstances of the case, shall be made and entered of record. Thirty-five cents costs shall be laid to each lot against which judgment is rendered for fees of the clerk of said court, and the further sum of twenty-five cents to each lot for advertising the notice of sale; *Provided*, That in all cases where a defense is interposed and not sustained, the court may direct by special order or by rule such additional costs to be included in the judgment, as may be deemed proper. *Provided further*, That in cases where no defense is interposed, said sum of thirty-five cents shall be in full of all fees of the clerk, including the entry of satisfaction, and when any proceeding is dismissed, the clerk shall only be entitled to charge the city twenty-five cents per lot.

SEC. 41. It shall be the duty of the clerk of such court, within twenty days after such order is granted as aforesaid, to make out under the seal of said court, a copy of so much of said city treasurer's report in such case as gives a description of the land against which judgment shall have been rendered, and the amount of such judgment, together with the order of the court thereon; which shall constitute the process on which all lands, lots, sub-lots, pieces and parcels of land, shall be sold for the amount of any assessments, interest, damages, and costs, so levied, assessed or charged upon them; and the said city treasurer, is hereby expressly authorized and empowered to make sale of such lands, lots, pieces or parcels of land or other property, upon ten days' notice, to be published at least three times in the official paper of said city, which period of said ten days shall commence with the first publication.

SEC. 42. The said advertisement, so to be published in each case of a judgment upon any collection warrant and report as aforesaid, shall contain a list of the delinquent lots and parcels of land to be sold, the names of the owners if known, the amount of judgment rendered thereon, respectively, and the warrant upon which the same was rendered, the court which pronounced the judgment, and a notice that the same will be exposed to public sale at a time and place to be named in said advertisement by said city treasurer. The omission of the name of any owner, or any mistake respecting the same, shall not invalidate the sale if the property be otherwise described with sufficient certainty. The proceedings may be stopped at any time upon the payment of said judgment to the city treasurer.

SEC. 43. In all proceedings and advertisements for the collection of such assessments, and the sale of lands therefor, letters and figures may be used to denote lots, sublots, lands and blocks, sections, townships, ranges and parts thereof, the year and the amounts.

SEC. 44. Certificates of sale shall be made and subscribed by the city treasurer, which shall be delivered to the purchaser, which certificates shall contain the name of the purchaser, a description of the premises sold, the amount of the assessment, with the amount of the judgment for which the same was sold, and the time when the right to redeem will expire. The city treasurer shall continue such sale from day to day, until all the lots or parcels of land contained in his precept, on which judgment remains unpaid, shall be sold or offered for sale. And in case of any defect or mistake in the judgment or order, or the copy delivered to the clerk, or in the advertisement or certificate of sale, or other proceedings taken after such judgment, the court may amend such judgment and order a resale if necessary, or amend the certificate of sale, or direct a re-advertisement, or in any other manner remedy said defect or mistake.

SEC. 45. The person purchasing any lot or parcel of land, shall forthwith pay to the city treasurer the amount of the judgment due thereon, and on failure so to do, the said property shall be again offered for sale in the same manner as if no such sale had been made; and in no case shall the sale be closed until payment shall have been made. If no bid shall be made for any lot or parcel of land, the same shall be struck off to the city; and thereupon the city shall receive, in the corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sales.

SEC. 46. The city treasurer shall make return of his precept to the court from which the same was issued. A record of all sales made by the city treasurer, shall be kept in the office of the controller, which shall be open to public inspection at all reasonable times; and said record, or copies thereof, certified by said controller, shall be deemed sufficient evidence to prove the sale of any land or property for assessments, or any other fact authorized to be recorded therein.

SEC. 47. The right of redemption in all cases of sales for assessments shall exist to the owner, his heirs, creditors, or assigns, to the same extent as is allowed by law in case of sales of real estate for taxes, on payment in lawful money of the United States of the amount, for which the same was sold, with interest from the time of such sale at the rate of twenty four per cent. per annum, and any other assessments which may be made under or by virtue of this chapter, or the charter of the city of St. Paul, subsequent to the sale with the interest accruing thereon at the rate, and payable in accordance with the provisions of section thirty-five. If the real estate of any lunatic or infant be sold under this chapter, the same may be redeemed at any time within one year after such disability

shall be removed. Redemption shall be made by the payment of the redemption money to the city treasurer, and taking his vouchers therefor and filing the same in the office of said controller, who shall thereupon note the fact of said redemption upon his record of sales, and said controller shall thereupon give to said redemptioner a certificate to that effect, and a person holding a certificate of sale may surrender the same to the controller to be cancelled, and the fact shall, in like manner, be noted upon said record, and the said controller shall give such person surrendering such certificate, if desired, a certificate to that effect. Upon the return of the certificate of sale, or proof of its loss, and the filing with the controller of an affidavit to that effect, if the property shall not have been redeemed according to law, a deed shall be executed to the purchaser or his assigns, under the corporate seal of said city, signed by the mayor, controller and clerk of said city, conveying to such purchaser or assignee the premises so sold and unredeemed as aforesaid. A memorandum of all deeds so made and delivered shall be entered by the controller in the book wherein such sales are recorded, and a fee of one dollar may be charged by the controller for every deed so issued. *Provided*, That nothing in this act contained shall be construed to affect or prejudice the lien of the state for all taxes which have been, or may be levied upon such property under the general laws of this state. In such cases of redemption, the city treasurer shall notify the person holding the certificate of sale that the amount of such certificate, with the interest thereon so paid, is in the city treasury subject to his disposal.

SEC. 48. Such certificate of purchase shall be assignable by endorsement, and an assignment thereof shall vest in the assignee, or his legal representatives, all the right and title of the original purchaser.

SEC. 49. Whenever it shall appear, to the satisfaction of the controller, before the execution of a deed for any property sold for assessments, that such property was not subject to assessment, or that the assessment had been paid previous to the sale, he shall, with the approval of the common council of said city, make an entry opposite to such property on his record of sales, that the same was sold in error, and such entry shall be *prima facie* evidence of the fact therein stated. *Provided*, That where the sale shall have been made to any purchaser other than the city, the common council of said city before approving of such entry, shall first cause notice to be given, by mail, or in such manner as said council may direct, to the purchaser, his heirs, assigns or legal representatives of the said proceeding; and, *Provided further*, That in case such entry is approved the purchase money shall be refunded to the parties entitled thereto.

SEC. 50. All deeds made to purchasers of lots and parcels of land sold for assessments, shall be *prima facie* evidence in all controversies and suits in relation to the right of the purchaser, his or her heirs or assigns to the premises thereby conveyed, of the following facts :

First, That the land or lot conveyed was subject to assessment for local improvements, at the time the same was advertised for sale, and had been duly assessed, and that all of the proceedings of the common council and board of public works of said city, in the premises previous to such assessment, were valid and regular.

Second. That the assessments were not paid at any time before the sale.

Third. That the land or lot conveyed had not been redeemed from the sale at the date of the deed.

And shall be conclusive evidence of the following facts :

First. That the land or lot was advertised for sale in the manner and for the length of time required by law.

Second. That the land or lot was sold for assessments, as stated in the deed.

Third. That the grantee in the deed was the purchaser.

Fourth. That the sale was conducted in the manner required by law.

And in all controversies and suits, involving the title to the lot or land claimed, and held under and by virtue of such deed, the person or persons claiming title adverse to the title conveyed by such deed, shall be required to prove, in order to defeat the said title, either that the land or lot was not subject to the assessment at the date of sale, that assessments had been paid, that the land or lot had never been assessed or that the same had been redeemed according to the provisions of this chapter; but no person shall be permitted to question the title acquired by said deed, without first showing that he, she or they, or the person under whom he, she or they claim title, had title to the land or lot, at the time of the sale, or that the title was obtained from the United States or this state, after the sale. All deeds referred to in this chapter shall be admitted to record, without prepayment of taxes, or the county auditor's certificate that the taxes have been paid.

SEC. 51. Any change made in the incumbent of the office of the city treasurer during the pendency of any such proceedings, shall not operate to affect or delay the same, but the successor or successors in office of such city treasurer shall be authorized to do all acts necessary to complete such proceedings the same as if his predecessor had continued in office. In case of a vacancy occurring in any such office, the proceedings shall be prosecuted by the controller until such vacancy is filled by election or otherwise.

SEC. 52. All sales of property for the non-payment of assessments, provided for in this chapter, shall be made in the daytime at public venue, in the city of Saint Paul, at the time and place stated in the notice of sale prescribed in sections forty-one and forty-two of this chapter, and may be adjourned from day to day (Sundays excepted) until the whole is completed.

SEC. 53. Any city treasurer, or other officer, who shall in any case refuse or knowingly neglect to perform any duty enjoined upon him by this chapter, or who shall consent to, or connive at, any evasion of its provisions, whereby any proceedings required by this chapter, shall be prevented or hindered, shall, for every such neglect or refusal, be liable to said city individually, and upon his official bond, for double the amount of loss or damage caused by such neglect or refusal, to be recovered in an action of debt, in any court having jurisdiction of the amount thereof.

SEC. 54. No error in the proceedings of the common council or board of public works, or of any of the officers of said city, in referring, reporting upon, ordering or otherwise acting, concerning any local improvement provided for in this chapter, or in making any assessment therefor, or in levying or collecting such assessment, not affecting the substantial justice of the assessment itself, shall vitiate or in any [way] affect such assessment. The reports of the city treasurer and assessment warrants held by him, referred to in section thirty-six of this chapter shall be *prima facie* evidence that the proceedings up to the date of such warrants, were valid and regular, and the certificates of sale issued as provided for in this chapter, shall be *prima facie* evidence of the validity and regularity of all proceedings up to the date of such certificates.

SEC. 55. No purchaser of lands or lots or other property sold for assessments, or his heirs or assigns shall be entitled to a deed, until he or they shall have paid all assessments made thereon, subsequent to the assessments under which such purchase was made. The amount of all such subsequent assessments, so paid by any such purchaser, his heirs or assigns, [and all moneys paid by such purchaser, his heirs or assigns,] to redeem the premises from any sale for any such assessment, shall be a lien on the premises in his favor, and the amount thereof with interest at two per cent. per month, from the time of such payment or redemption, shall be refunded to such purchaser, or be paid to the treasurer of said city for the use of such purchaser his heirs or assigns, by the owner or person entitled to redeem before any redemption shall be made except as provided in the section next following.

SEC. 56. After any real estate shall have been bid in or struck off to the city, said city may enter upon such real estate, and take possession thereof, and through and [or] by the city treasurer may rent

or lease the same until the rent shall pay the amount due on such special assessment, interest, penalty and costs. *Provided*, That if any lot or parcel of land so struck off to said city shall be again sold for like assessments, while the said city holds its title as purchaser aforesaid, the same shall not be sold to any purchaser except said city for less than the amount actually remaining unpaid on the preceding assessment, as well as such subsequent assessment with interest aforesaid at the rate of twenty-four per cent. per annum.

SEC. 57. For the additional duties imposed on the city treasurer by this chapter, he shall receive a fee on all collections made by him upon warrants for special assessments, as follows, viz.: Upon the first one hundred thousand dollars actually collected by him in any one year, commencing January 1st, three per centum; upon all moneys so collected by him in any one year, commencing January 1st, in excess of one hundred thousand dollars and not exceeding two hundred thousand dollars, two per centum; upon all moneys so collected by him in any one year, commencing January 1st, in excess of two hundred thousand dollars, one per centum.

SEC. 58. All judgments rendered under this chapter upon said assessments, shall bear interest at the rate of twenty-four per cent. per annum from the date thereof, until paid.

SEC. 59. The city treasurer of said city may at any time before the time of redemption has expired, assign any certificate of sale of property aforesaid, bid in by the city as aforesaid, to any person by endorsement thereon, after payment by such person into the city treasury of the amount at which the same was so bid in, with interest thereon at the rate of twenty-four per cent. per annum and costs; and such assignee shall have the same right and title thereunder as if he had purchased the same originally at the sale, and when the right of redemption shall have expired, shall be entitled to a deed as in other cases.

SEC. 60. In all cases where application has been or shall be made for judgment under sections thirty-six, thirty-seven, thirty-eight and thirty-nine of this chapter, and judgment is refused by the court as to any of the lots or parcels of land assessed, by reason of any defect or irregularity in the proceedings affecting the validity of the final order of the common council of said city ordering the improvements for which the assessment is made, and in all cases where any court has heretofore set aside or declared void, or shall hereafter set aside or declare void any such assessments as to any of the lots or parcels of land assessed, by reason of any defect or irregularity affecting the validity of such final order of said council; if it shall appear to said common council that any of the said lots or parcels of land have been or will be benefited by such improvement, the said council shall direct a new assessment to be made by

said board, upon any such lot or parcel of land, for its proportionate part of such cost, and expense of such improvement, not exceeding the benefits accruing to such lot or parcel of land from such improvement, and such new assessment shall be made by said board as near as may be in accordance with the provisions of sections twenty-five and twenty-six of this chapter, and when the same shall have been made and confirmed by said board, the same shall be enforced and collected in the same manner as other special assessments are enforced and collected under the provisions of this chapter. The fact that the contract has been let, or that such improvement shall have been in whole or in part completed, shall not prevent such new assessment from being made, or in any way affect the jurisdiction of the common council to direct or order such new assessment as aforesaid, nor shall the omission of said board in the first assessment to furnish the common council with the report contemplated by section six of this chapter, or the omission to furnish said council with a plan or profile of the proposed improvement, or the omission to report specially whether in their opinion real estate to be assessed for such improvement can be found benefited, to the extent of the damages, costs and expenses necessary to be incurred thereby, constitute any objection to such new assessment, or in any way prevent the common council from causing or directing such new assessment to be made. In all cases where judgment has been or shall be refused by the court as aforesaid, and in all cases where any court has heretofore set aside or declared void, or shall hereafter be set aside or declared void as aforesaid any such assessment as to any of such lots or parcels of land, by reason of any defect or irregularity affecting any of the proceedings subsequent to the final order of said council ordering said improvement, but not affecting the validity of such final order of said council a new assessment shall be made by the board of public works upon any of such lots or parcels of land aforesaid, as to which said first assessment has been set aside, or declared void, or judgment refused, and in making such new assessment said board shall proceed under and in accordance with the provisions of sections twenty-five and twenty-six of this chapter; and when the same shall have been made and confirmed by said board, the same shall be enforced and collected in the same manner as other special assessments are enforced and collected under the provisions of this chapter. In case the amount of such assessment shall be less than the amount of the first assessment upon the lots and parcels of land re-assessed, the deficit shall be paid out of the local improvement fund, except that in case of sewers it shall be paid out of the proper sewerage fund.

Sec. 61. If, in any case, the first assessment prove insufficient, the board of public works shall make a second in the same manner,

and so on, until sufficient moneys shall have been realized to pay for such public improvement. If too large a sum shall at any time be raised, the excess shall be refunded ratably to those by whom it was paid.

SEC. 62. In all cases where the treasurer shall be unable to enforce the collection of any special assessment, by reason of irregularity or omission in any proceeding subsequent to the confirmation of such assessment, the said board shall be authorized and empowered to cause a new warrant to issue to the treasurer for the collection of any assessment which, by reason of such irregularity or omission, remains unpaid or not collected. The treasurer shall proceed under such new warrants to enforce and collect the assessments therein specified in the same manner, as near as may be, as is prescribed by the provisions of this chapter for the enforcement and collection of special assessments, after the same shall have been confirmed, as in this chapter provided; and as often as any failure shall occur, by reason of such irregularities or omissions, a new warrant may issue and new proceedings be had in like manner until such special assessments shall be fully collected, as to each and every tract and parcel of land charged thereby.

SEC. 63. In all cases where the work for any improvement contemplated by the provisions of this chapter shall be suspended, before final completion, by the failure of the contractor to perform the same, or for any other cause, the common council may order said board to re-let the unfinished portion of such work, in the same manner, as near as may be, as provided in this chapter for the letting of contracts for public improvements, and in every case of such new contract the work shall be paid for in the same manner as contracts for other like improvements.

SEC. 64. Property owners may be allowed to construct streets and other public improvements upon or through their own property, at their own expense, in such cases and upon such terms, and under such regulations as the common council may prescribe from time to time by ordinance.

SEC. 65. It shall be deemed personal notice in all cases under the provisions of this chapter, where personal notice is required, when the notice is served by delivering a copy or by reading the same to the person to be notified, or by leaving a copy at his or her last usual place of abode, or at his or her place of business with some person of suitable age and discretion, or by leaving such copy in a conspicuous place at his or her place of business, in the day time, if such person is absent therefrom.

SEC. 66. If the board of public works, or the common council, in carrying out the provisions of this chapter, should find unforeseen obstacles in grading, excavating, filling, paving, or in any case of

improving or opening or widening streets, or public highways, or sewers, not provided for, the common council may, by resolution, order such change or modification in such improvements as they, or either of them, may deem equitable and just, at any time before or after the confirmation of any assessment, or before or after the making or letting of any contract to do the same. *Provided*, That in all contracts the case of such unforeseen obstacles shall be anticipated as far as possible, by requiring the contractor to state in his contract, and as part of the same, the price at which he will furnish such material, or do such work, as may become necessary, but which cannot be foreseen, and which price shall govern binding on the contractor in case such work or material may become necessary in the judgment of said common council or of said board; but no additional expense shall be incurred other than may be absolutely necessary to overcome such unforeseen obstacle, and in all cases where the additional expense exceeds the sum of (\$500.00) five hundred dollars, such additional work shall be let to the lowest bidder, as herein provided in the case of other contracts, in case the same can be done by another contractor, without an unreasonable interference with the first or original contractor in the performance of his contract. The said board of public works, after an assessment has been made, may correct any mistake in such assessment either as to the amount, or owner, or description of the lot, or parcel of land, so as to conform to the facts and rights of the case as intended, and if such mistake either increases or diminishes the total assessment, the amount thereof shall be charged or credited to the ward improvement fund, or pro rata to each ward in which the work may be. *Provided*, That before any mistake shall be corrected or modified as aforesaid, by either the council or the board of public works, the party affected by such modification or mistake shall have personal notice if a resident of St. Paul and known, or notice by one publication in the official paper of the city, six days before acting thereon, if not known, or is a non-resident of Saint Paul, said correction shall be filed with the clerk of said board and city treasurer.

SEC. 67. When any notice is required to be published in any newspaper, under this chapter, an affidavit of the publisher or printer of such newspaper, or of the foreman or clerk of such publisher or printer, annexed to a printed copy of such notice, taken from the paper in which it was published, and specifying the time when and the paper in which such notice was published, shall be evidence in all cases and in every court or judicial proceeding of the facts contained in such affidavit.

SEC. 68. The proceeds of the city of St. Paul "Improvement Bonds," now in the city treasury, or which may hereafter be reul-

ized from said bonds, under section two of the act entitled "An act to amend an act entitled an act to authorize the city of St. Paul to levy assessments for local improvements," approved March 6th, 1871, and "An act entitled an act to amend an act entitled an act to authorize the city of Saint Paul to levy assessments for local improvements," approved February 29th, 1873, passed February 21st, 1873, and all moneys collected or to be collected upon assessments for local improvements, other than sidewalks, sewerage and property condemned for public use, and except such improvements as were let by contract prior to the passage of said act of the legislature of February, 21st, 1873, and except so much thereof as may have been heretofore lawfully appropriated, shall constitute a fund to be known as "The Local Improvement Fund," and so much of the act of the legislature of February 21st, 1873, as amends section 29 of the acts of the [legislature] referred to in the title of said act, is continued in force, except as modified by the provisions of this chapter. All contracts made since February 21st, 1873, or to be hereafter made for local improvements which are to be paid for by special assessments, under the provisions of this chapter, except for sidewalks and sewerage, shall be paid for out of said local improvement fund, and said fund shall be kept inviolate, except as herein otherwise provided, for the payment of such contracts. No contract to be paid out of the said local improvement fund shall hereafter be made until at least one half of the estimated cost of said improvement, as reported by the board of public works, shall be first paid in, or unless there shall be funds belonging to said local improvement fund properly applicable to such improvement, sufficient to pay for the same. In the case of property condemned for public use, if after the expiration of six months after the whole assessment for benefits of the improvement shall have been finally confirmed and determined, the said assessment shall not have been fully paid in, the common council of said city may, in its discretion, advance out of said local improvement fund sufficient to make up the deficit occasioned by such failure. *Provided*, That said advance shall, in no case, exceed twenty-five per cent. of the damages to be paid upon such condemnation. Such advance shall be replaced in said local improvement fund out of the assessments for such improvements which may be thereafter collected. No money shall be paid from the treasury upon the condemnation or appropriation of any property until there is sufficient funds in the treasury, properly applicable thereto, to pay the total damages awarded, and if such damages shall remain unpaid or unprovided for, for nine months after the assessment for damages and benefits shall be finally determined as to all the property involved, the proceedings shall lapse and all moneys paid into the treasury upon such condemnation, shall be returned to the par-

ties entitled thereto. In the case of sidewalks, when the whole work has been completed by the contractor to the satisfaction of the board of public works, the amount or balance due him shall be audited and allowed by the common council of said city, and shall be payable out of the collections received from the special assessments made therefor, with interest at twelve per cent. per annum from the time of such allowance until a sufficient amount of collections from such special assessments are received by the city treasurer to pay the same. *And, provided,* That in case of any deficiency in the collections from such assessments to pay such contractor, at the expiration of three years from the time of the allowance of said claim, that then such deficiency shall be paid to such contractor, by said city of Saint Paul, and charged to the improvement fund of the proper ward. All moneys collected from assessments for sidewalks over and above the amount paid to the contractor and expenses shall be placed to the credit of the proper ward. All moneys realized upon assessments for benefits in condemnatory proceedings, over and above what may be necessary to pay the damages, costs and expenses, shall be placed to the credit of the "Local Improvement Fund."

SEC. 69. If for any cause the proceedings of the common council or board of public works or any of its officers, may be found irregular or defective, whether jurisdictional or otherwise, the common council may order a new assessment from time to time and as often as need be, until a sufficient sum is realized from the real estate benefited by such improvement, to pay all the costs, damages and expenses incurred thereby; it being the true intent and meaning of this act, to make the costs and expenses of all public improvements provided for in this chapter, local to the city of St. Paul, payable by the real estate benefited by such improvement to the extent of such benefits; except that in the case of sidewalks the assessment shall be made as in such case provided.

SEC. 70. After judgment shall be ordered to be entered, against any lot or real estate, the same shall not be opened or set aside for the non-payment of assessments, except for mistake or fraud in entering the same, or in ordering the same to be entered, any provision of the general laws of the state to the contrary notwithstanding.

SEC. 71. It shall be the duty of the board of public works in estimating the benefits to any particular lot, piece or parcel of land to take into consideration the nature of the owners' interests therein, the form and position of their several parcels of land, the qualified rights of the owner in reference to its enjoyment, and any other circumstances which render the proposed improvement more or less beneficial to him or them.

Sec. 72. If in the opinion of the board of public works any work under any contract does not proceed each month so as to ensure its completion, within the time named in the contract the said board shall have power to furnish and use men and materials to complete the work and charge the expense thereof to the contractor, and the same shall be deducted from any moneys due him or to become due such contractor, or may be collected from him in a suit by said city.

Sec. 73. The register of deeds shall not record any deed from a private person or private corporation, unless there be endorsed on such deed a certificate of the city treasurer that all assessments for local improvements have been paid, and any violation of this provision by the register of deeds, shall be a misdemeanor, and be punishable by a fine not exceeding double the amount of the unpaid assessment. It shall be the duty of the city treasurer upon the application of any person interested in such deed, where the assessment has been paid, and not otherwise, to make such certificate free of charge, but the said city treasurer shall not certify that said assessment has been paid in, in any case where the property has been purchased by the said city at the sale provided for in this act, and the time for redemption has not expired, and the city still holds the certificates of sale.

CHAPTER SEVEN.

TITLE II.

SEWERAGE.

SECTION 1. The act of the legislature entitled "an act relative to sewerage in the city of Saint Paul," passed February 17th, 1873, hereby amended so as to read as follows:

Sec. 2. The common council of the said city of Saint Paul, in addition to the powers conferred on said council by the charter of said city, shall have power to establish and maintain at any time, and from time to time, any general system or systems of sewerage of said city, or for any sewerage district or districts in which said city or any part thereof is or may hereafter be divided, or for any part or portion of said city, in such manner and under such regulations as said council may deem expedient, and such system or systems of sewerage to alter or change from time to time, as said council may deem proper.

Sec. 3. Main sewers or lateral sewers, or other sewers connected or intended to be connected with such general system or systems of sewerage, or parts or sections of such main sewers, lateral or other sewers, may from time to time be ordered by said council, to be

constructed by the board of public works of said city, in the same manner and under the same regulations as in the case of other local improvements of said city.

SEC. 4. The said common council, for the purpose aforesaid, shall have power at any time, and from time to time, to divide the said city of Saint Paul, or any such part or parts thereof as said council may deem expedient, into sewerage districts, and the same from time to time to change or alter, and to create a district sewerage fund for each or any of said districts, in such manner and under such regulations as said common council may deem expedient; *Provided*, That the said sewerage districts already established in said city shall continue until otherwise changed or abolished by said common council.

SEC. 5. The cost of constructing, altering or repairing any of the sewers or improvements herein provided for or referred to as nearly as can be ascertained, together with the necessary expenses of making the assessment, shall be assessed by the board of public works of said city upon the real estate benefited thereby, and enforced and collected in the manner and under the regulations provided by law for other local improvements of said city; *Provided*, That the said common council may order the constructing, altering or repairing the main sewers, or such part of them or such proportion of the cost thereof as said council may deem expedient to be paid by said city at large, or from a district sewerage fund in each of said districts, or ward fund of the ward wherein such improvements may be located, or out of such fund as may be properly appropriated by said common council for that purpose, under such regulations as said council may prescribe; *Provided*, That whenever assessments are made upon the real estate benefited, for the partial or entire cost and expense of constructing, altering or repairing any of the sewers or improvements provided for in this chapter, such assessments when collected shall be placed by the common council to the credit of the fund from which the cost of the work was paid; *And provided further*, That no contract for such work shall hereafter be made until after at least one-half of the estimated cost of such improvements, as reported by the board of public works, shall be first paid in, or unless there shall be funds in the treasury properly applicable to and set apart, sufficient to pay for the same.

SEC. 6. The common council shall have power to prescribe the conditions upon which such main, lateral or other sewers may be tapped and the amounts to be paid said city for permits for so doing, as well as to prescribe such regulations and to ordain such ordinances and penalties for the infraction thereof, in relation to such sewerage, and for the protection and maintenance thereof, as said common council may deem expedient.

SEC. 7. The said common council, for the purpose of aiding the constructing of main or lateral sewers aforesaid, or such part of them as said council may deem expedient, or for the purpose of creating a general or district sewerage fund, or fund for any or all of said purposes, shall have power to issue bonds of said city to an amount not exceeding two hundred and twenty-five thousand dollars, which may be designated "St. Paul sewerage bonds," payable in twenty-five years from the date thereof, with interest payable semi-annually, at the rate not exceeding seven per cent. per annum, with or without interest coupons attached, and payable, principal and interest, either in the city of St. Paul or in the city of New York, or both of said places, as said common council may prescribe. Said bonds may be issued in denominations of \$300, \$500 and \$1,000. Said bonds shall not be negotiated for less than ninety cents on the dollar. Said common council shall have power to levy an annual tax on the taxable property within said city for the purpose of paying the interest on said bonds and creating a sinking fund for the payment of the principal; *Provided*, That no greater amount of said bonds than twenty-five thousand dollars shall be issued in aid of or for the construction of said main sewers within the limits of any one sewerage district, and the interest on the bonds aforesaid, applicable to any sewerage district aforesaid, as well as the principal when paid, and the sinking fund for that purpose, may be charged by said council to the sewerage fund of said district, and to any improvement fund except the local improvement fund or ward fund of the ward wherein such improvement may be located; *Provided*, That nothing herein contained shall be construed so as to increase the amount of bonds intended to be issued by said act of February 17th, 1873.

SEC. 8. Nothing herein contained shall be construed as abridging the power of said city of Saint Paul from constructing or ordering to be constructed, such sewers or drains, other than those before mentioned, as may be deemed expedient.

SEC. 9. The act entitled "an act to authorize the city of Saint Paul to establish a system of sewerage for said city," approved February 24th, 1869, is hereby repealed.

CHAPTER SEVEN.

TITLE III.

STREET GRADES.

SECTION 1. The common council shall cause to be established, under the direction of the city engineer, the grade of all streets,

sidewalks and alleys, in said city, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of the register of deeds of Ramsey county.

SEC. 2. Such grade may at any time thereafter be altered by a two-thirds vote of all the members elect of the common council, and after notice by publication in the official newspaper of said city for three successive weeks, at least twice in each week of the time and place when the said council will consider such proposed alteration. *Provided*, That in case a change of an established grade shall be ordered by the common council, notice of such order shall be published in the official paper of the city, and any property holder feeling himself aggrieved by such order, may, within twenty days after the publication of such order, appeal therefrom to the district court of the county of Ramsey, or to the court of common pleas of the county of Ramsey, in the manner provided for appeals in section nine of chapter four of this act. On the trial of such appeal, such court shall have full power to determine the necessity or expediency of such proposed change of grade, and all other questions involved in such appeal; and such order of the common council shall not take effect until twenty days from its publication as aforesaid, nor pending such appeal.

SEC. 3. After such alteration shall have been finally determined as herein provided, the common council shall refer the matter to the board of public works to assess the damages, if any, to property, occasioned by such alteration, and also to determine what real estate, if any, will be benefited by such alteration, and to assess upon such property benefited the amount of such damages, together with the costs of proceedings. *Provided*, That in case property benefited cannot be found to pay for the whole amount of such damages and costs, the deficit shall be paid out of the local improvement fund.

SEC. 4. Upon such order of reference of the common council being transmitted to said board of public works, the said board shall make such assessment of damages and benefits in the same manner and after giving the like notice, as near as may be, as in the case of improvements requiring the appropriation and condemnation of land or real estate; and when completed said board of public works may proceed to confirm the said assessment in manner provided by section fifteen, title one of this chapter, and shall have all the power to correct, revise, confirm, set aside, or proceed *de novo*, in said matter, with all other powers as therein provided, and the same proceedings, as nearly as may be, shall be had as prescribed in said section fifteen.

SEC. 5. Any party aggrieved by such assessment of damages, may appeal under the same regulations and restrictions, and in the

same manner provided in section sixteen of said title one, but such appeal shall not operate to stay any of the proceedings in the matter of such alteration.

SEC. 6. All such damages allowed after deducting benefits, if any, shall be advanced out of the local improvement fund and paid to the party entitled thereto.

SEC. 7. All assessments of benefits aforesaid shall be collected and enforced in the same manner as in the case of other local improvements provided for in this chapter, and the collections therefrom shall be credited to the local improvement fund.

CHAPTER VIII.

ASSESSMENT OF PROPERTY FOR GENERAL TAXATION.

SECTION 1. The act of the legislature of this state passed February 27th, 1873, entitled "An act regulating the assessment of property for taxes within the city of Saint Paul," is hereby continued in force except as may be hereinafter modified or amended; the same being incorporated in this chapter as follows, namely:

SEC. 2. There shall be a board of assessors for the assessment of property for taxation within the city of Saint Paul, appointed and organized as follows: The common council of said city, at their last regular meeting in December, or as soon thereafter as practicable, shall appoint a number of assessors corresponding to the number of wards into which said city is now or hereafter may be divided, to-wit: One assessor aforesaid for [from] each of said wards; each of said assessors shall be a resident freeholder and elector of the ward for which he may be appointed aforesaid, and shall hold his office for two years and until his successor is appointed and qualified; and said common council shall in like manner fill any vacancy by appointment in manner aforesaid, for the unexpired term and until a successor may be appointed and qualified; *Provided*, That the appointment of such board of assessors for the present year shall be made by said common council as soon after the passage of this act as practicable, and each of said assessors last mentioned shall hold office until the first day of January, eighteen hundred and seventy-five, and until his successor is appointed and qualified. Each assessor aforesaid shall file a bond approved by said common council of said city with the county auditor for the sum of one thousand dollars, and shall take an oath of office in the manner and form prescribed for the assessors under the general laws of this state, within twenty days after notice of such appointment, unless said council shall extend said time; and in case of the omission of any assessor aforesaid, to give bond and take the oath aforesaid within the time allowed

for that purpose, the said common council may declare his office vacant, and fill the same by appointment, as in the case of other vacancies.

SEC. 3. The compensation of such assessors shall be fixed by the common council, not exceeding five hundred dollars per annum, and paid like the salaries of other officers.

SEC. 4. The said board of assessors shall meet regularly on the first Monday of June in each year, at the city hall in said city, for the purpose of organization and of proceeding with their duties, unless the said common council prescribe some other time and place of meeting, and shall then, or as soon thereafter as practicable, organize by appointing from their number a chairman and clerk, and may continue their session for such time, or may adjourn from time to time, as they may deem expedient, and until their business is completed. In the absence of the chairman or clerk, they may appoint one of their number to act as chairman or clerk *pro tempore*; a majority of the members of said board shall constitute a quorum, and said board shall have power to pass by-laws for the regulation of their business. Special meetings of said board may be called by the chairman or by a majority of the members of said board, in which case reasonable notice shall be given by publication in a newspaper or in such other manner as the by-laws may prescribe; but no defect of notice shall affect the validity of the proceedings of said board in any case where a quorum or majority of the members of said board have met for the purpose of discharging their official duties, and organize and actually proceed with business.

SEC. 5. Said board of assessors shall, within the limits of said city of St. Paul, have all the powers of assessors under the general laws of this state, and the said board and its members shall discharge all the duties of assessors under the general laws of this state, and as herein prescribed.

SEC. 6. Each assessor aforesaid, appointed under this act, shall as soon as practicable, after he has been appointed and qualified in conformity with the general laws of this State, proceed in an informal manner to assess the property in and of the ward for which he was appointed, subject to the revision, correction and direction however of the said board from time to time, and shall complete his work in time for the final action of the board by the first Monday of August. The said board shall meet on the first Monday of August, and such other time or times thereafter as they may deem expedient, at the city hall of said city, and proceed to review, correct, equalize and perfect the assessment in each ward, and shall have power for that purpose in their discretion to supply all omissions or to change such assessments, or to make any assessment *de novo*. And when said assessment shall be finally perfected by said board,

as aforesaid, it shall be the duty of each assessor aforesaid, to make a separate roll or return for the ward for which he shall be [have been] appointed, of the assessment of said board within such ward, contained in a book or books to be furnished by the county auditor, in the manner prescribed by the general laws of this state, which return shall be certified or subscribed by the said assessor making the same, and countersigned by the chairman or clerk of said board, or by such officer as said board may direct, and the same shall be thereupon returned to the county auditor within the time required by the general laws of this state relating to taxes; *Provided*, That said returns and assessments shall be subject to the revision, correction and equalization hereinafter provided, and may be otherwise corrected as provided by law.

SEC. 7. The county auditor shall deliver to each assessor aforesaid, for his ward, by the first Monday of April in each year, such books, abstracts, maps, blanks and other papers as are required by law to be delivered to assessors.

SEC. 8. In each year prior to the time of meeting of the county board of equalization of the county of Ramsey, the common council of said city, at any regular or special meeting, shall appoint from their number three persons; and the county commissioners of said county, at or prior to the time of the meeting of said county board of equalization, shall appoint from their number two persons, and the said persons so appointed by said council and said county commissioners, together with the said assessors of said city, shall constitute a standing committee of said county board of equalization, and shall, with respect to the property within the present or future limits of the said city of Saint Paul, have all the powers and discharge all the duties vested in or required of county boards of equalization by the general laws of this state; and shall have all the power vested in county auditors or the board of county commissioners by the general laws of this state, to correct errors, make abatements and grant relief in case of erroneous and unequal assessments or taxes on property within the limits aforesaid of said city, *Provided*, said standing committee shall not continue its sessions beyond the third Monday of September. Each member of said committee shall take an oath to the effect that he will make a fair and impartial equalization of the property within said city, and to discharge his duties faithfully, but the omission to take such oath shall not invalidate any of his official acts or the action of said committee. A majority of said committee shall constitute a quorum, and said committee may appoint a chairman and clerk. Said committee shall commence its sessions in the office of the county auditor on the same day fixed by law for the meeting of the county board of equalization, and may continue in session or adjourn from time to time, until their business

is completed. Vacancies of the said members of said committee, appointed by said council, shall be supplied by said council; and vacancies of the said members of said committee, appointed by said board of county commissioners, shall be supplied by said board of county commissioners. The county auditor shall give notice of the time and place of meeting of said standing committee, and briefly describe its general object, by publication in the official newspaper of said city, at least one week before the commencement of their session, but the omission to give such notice shall not prejudice or invalidate the action of said committee. The said standing committee shall report their action from time to time to the county board of equalization, and their said action in relation to equalizing property making abatements and correcting errors aforesaid, shall be deemed to be and shall be returned as part of the proceedings of said county board of equalization; *Provided*, That said county board of equalization shall have power to alter, modify, annul or revise the acts of the said standing committee aforesaid; *And provided*, That said county board of equalization shall have no power to interfere with, take part in, or act in the equalization of property, or abatement of assessments or taxes aforesaid, within the limits of said city, except so far as the said action of said committee shall be deemed part of the action of said county board of equalization; and that no abatements of taxes or assessments, or corrections thereof, within said limits of said city, shall be made except by said standing committee, and except as hereinafter stated; *And provided further*, That nothing herein contained shall be construed as affecting the power and duties of the state board of equalization with respect to property within said city of Saint Paul or county of Ramsey.

SEC. 9. Each of said persons except said assessors appointed by said council and county board, shall be paid out of the county treasury the sum of three dollars per day for every day's actual service aforesaid, and the said standing committee shall have access to all records, returns and papers of said county, and such use thereof as may be needed to enable them to discharge their duties.

SEC. 10. After the final adjournment of said standing committee the said three persons appointed by said common council, or a majority thereof, in connection with the county auditor, shall have power until the first day of September succeeding the assessment in each year, and with respect to property assessed within the said limits of said city, upon proper cause shown by the party aggrieved, to make such an abatement of taxes, or penalties, or both, assessed or incurred against any property in any case, as they may deem just, and also to order any tax which has been improperly assessed or paid by mistake, to be refunded by the county treasurer, and the taxes so refunded shall be chargeable to and deducted from the

several funds on account of which the same were collected in the hands of the county treasurer.

SEC. 11. So much of any law heretofore passed as requires any report or return to the common council of said city respecting such equalization, or abatements, or corrections, or action of any committee thereon, and so much of any law as may be inconsistent with this act, are hereby repealed.

CHAPTER IX.

POLICE DEPARTMENT.

SECTION 1. The police department of the city of St. Paul, shall consist of the mayor, who shall be the chief executive officer and head of the department, a chief of police, a captain of police, one of more sergeants of police, and as many policemen, patrolmen and police officers as may be authorized by the common council of said city, with the approval of the mayor. The mayor shall nominate, and by and with the consent of the common council shall appoint the chief of police, the captain, sergeants, and all policemen, patrolmen, and police officers at any time appertaining to the police department of said city, and by whatever name designated; and any officer or member of this department who may be appointed by the mayor, whether such appointment be with or without the advice and consent of the common council, may be by said mayor removed from office, whenever in his opinion the welfare of the city may demand such removal, and such removal may also be made at any time by a resolution of the common council, passed by a vote of two-thirds of all the members elect. *Provided*, That neither the chief of police, nor any member of the police force shall be removed by said mayor without the written consent of a majority of a standing committee of police; which committee shall consist of the president of [the] said common council and four aldermen, to be appointed as other standing committees of said council; and provided also that the mayor may remove any policeman or patrolmen without the consent of said standing committee, at any time within six months from the date when such policemen or patrolmen shall be appointed as in this section provided. In case of riots or other disturbances, the mayor may appoint as many special or temporary policemen as he may deem necessary for the preservation of the public peace. All officers and members of the police force, appointed as in this section provided, shall severally hold their offices until vacated by death or resignation, or, until they shall be removed as above provided; and they shall perform all the duties, and be subject to all the rules and

regulations which now are or may hereafter be prescribed by the common council.

SEC. 2. Whenever there is a vacancy in any of the offices of this department, other than the office of mayor, the mayor shall fill the same by appointment, such appointment to be with the advice and consent of the common council.

SEC. 3. The chief of police and all police officers or members of the police force subordinate to him shall possess the power of constables at common law, and by the statute law of this state, they shall execute and serve all warrants, process, commitments and all writs whatever issued by the city justice for any violation of the laws of this state, or of the ordinances or by-laws of said city, and they shall have power to pursue and arrest any person fleeing from justice in any part of this state, and when performing the duties of constables for any violation of law other than ordinances of said city, shall be entitled to the fees that constables receive for like duties; *Provided*, That no member of this department shall go outside of the limits of said city in pursuit of any offender, or to execute any warrant or process, except in the case of offenses committed within said city.

SEC. 4. No person shall hereafter be appointed to, or hold any office in this department, who is not a citizen of the United States, and who shall not have been a resident of this state for two years next preceding his appointment, and who cannot read, write and speak the English language.

SEC. 5. All the officers of this department and all aldermen of the city, and all justices of the peace within the city, shall be officers of the peace, and may command the peace, suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all bystanders, and if necessary of all citizens and military companies; and if any citizen, bystander, military officer or private shall refuse to aid in maintaining the peace, when so required, every such person shall forfeit and pay a fine of fifty dollars. And in cases where the civil power may be required to suppress riots or disorderly behavior, the officers of this department, if any such are present, shall direct the proceedings, and if no such officer be present, then the same shall be directed by the superior or senior of the officers above-named, not members of this department, who may be present.

SEC. 6. The mayor and chief of police are authorized and required to make all needful rules and regulations not inconsistent with the laws of this state or the ordinances of this city, for the government and control of the police department, and with a view to making this department, and all the officers and agents appointed under it, efficient, vigilant, prompt and useful to the

city. All rules and regulations made in pursuance hereof, shall be in writing, signed by the aforesaid officers, and shall be filed in the office of the city clerk, and shall be binding upon all the persons connected with this department. A small book containing this chapter and such ordinances and regulations as may be adopted, shall be printed in legible type, and securely bound with leather; the chief of police shall deliver one of said books to each member of the department, who shall always have the same in his possession, and make himself thoroughly acquainted with its contents by frequent perusal.

SEC. 7. Any member of the police department who shall accept from any person while in custody, or after he shall have been discharged, or from any of his friends, or any other person, any gratuity or reward, or any description of drink; or who shall receive from any person, without the written permission of the mayor, any reward for the arrest of any thief, or recovery of any goods or money, or compensation for damages sustained in the discharge of his duty, shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not less than five nor more than one hundred dollars.

SEC. 8. The officers and privates shall be required, while on duty, to wear a blue cloth cap with emblems of their respective offices and number of the police in metallic letters and figures over the vizer, also a star, to be designated by the mayor and chief of police, and also a regulation uniform substantially like that worn by the police [force] of other cities.

CHAPTER X.

FIRE DEPARTMENT.

SECTION 1. The common council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same; and to order such companies to be disbanded, and their meetings to be prohibited, and their apparatus to be given up. Each company shall not exceed one hundred able bodied men, between the ages of eighteen and fifty years, and may elect their own officers, and form their own by-laws not inconsistent with the laws of this state or the ordinances of said city; and shall be formed only by voluntary enlistments. Every member of each company hereby authorized to be formed, shall be exempt from highway work and poll tax, from serving on juries and military duty during the continuance of such membership; and any person having served for the term of five

years in either of said companies, shall be forever thereafter exempt from serving on juries, from poll tax and from military duty, except in cases of insurrection or invasion.

SEC. 2. There shall be a meeting of the members of said companies on the third Monday of November of each year, at such places as may be designated by the chief engineer, when they may nominate and recommend to the common council for appointment one chief engineer and two assistant engineers, and the common council may thereupon confirm said nominations; and the persons so appointed shall perform such duties as the common council may prescribe. *Provided*, That no person except one who has been an active fireman for at least one year immediately prior to such nomination and recommendation shall participate in the making thereof; *And provided, further*, That upon the rejection of any nomination the members of said companies qualified as aforesaid may meet at a time and place to be designated by the chief engineer, and nominate and recommend for such appointment a person other than the one previously nominated.

SEC. 3. Whenever any person shall refuse to obey any lawful order of any engineer, or mayor, or alderman, at any fire, it shall be lawful for the officer giving such order, to arrest, or direct orally any constable, police officer, watchman, or any citizen to arrest such person, and to confine him temporarily in any safe place, until such fire shall be extinguished, and in the same manner, such officers or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest, or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding fifty dollars.

SEC. 4. The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings, or buildings of other materials that shall not be considered fire-proof, shall not be erected, placed or repaired, and to direct that all and any building within the limits prescribed, shall be made and constructed of fire-proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage.

SEC. 5. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous.

To prevent the deposit of ashes in unsafe places, and throwing of ashes in the streets and highways. To require citizens to provide as many fire-buckets, and in such manner and times as they shall prescribe, and to regulate the use of them in time of fire. To regulate and prevent the carrying on of manufactories dangerous in causing and promoting fires. To regulate and prevent the use of fire works and fire arms. To compel the owners or occupants of buildings to have scuttles in the roofs, and stairs and ladders to the same. To authorize the mayor, aldermen and other officers of the city, to keep away from the vicinity of any fire all idle and suspected persons; and to compel all bystanders to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat; and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

SEC. 6. The common council may provide by ordinance for the organization of the fire department in said city, and the duties of the several officers and members thereof. They shall make reasonable appropriations for the support of said fire department, or of the several companies thereof, which shall be paid out of the general fund of said city.

CHAPTER XI.

BOARD OF HEALTH—ITS POWERS AND DUTIES.

SECTION 1. The common council of the city of Saint Paul shall, at their first stated meeting in January of each year, elect one health officer, who shall hold his office for one year and until his successor is appointed and qualified. He shall be a competent physician of regular practice in said city, and shall perform such duties as may be prescribed by ordinance; and before entering upon the duties of his office, he shall take the usual oath of office and give such bond as shall be required by the common council, conditioned for the faithful performance of his duties, and shall receive such compensation as the common council shall determine. The said health officer, and the senior aldermen from each ward, shall constitute the board of health for said city.

SEC. 2. Whenever any building, excavation, erection, premises, business pursuit, matter or thing, or the sewerage, drainage, or ventilation thereof, within the limits of the city of Saint Paul, shall, in the opinion of said board, whether as a whole, or in any particular, be in a condition or in effect dangerous to life or health, said board may take and file among its records what it shall regard as sufficient proof to authorize its declaration that the same, to the extent it may specify, is a public nuisance or dangerous to life or

health; and said board may thereupon enter in its records the same as a nuisance, and order the same to be removed, abated, suspended, altered, or otherwise improved or purified, as said order shall specify; and shall cause said order, before its execution, to be served on the owner, occupant or tenant thereof, or some of them, which to said board may appear most directly interested in its execution, provided said parties or any of them, are in said district and can be found, and such service can be conveniently made; and if any party so served, or intended to be according to this law, shall, before its execution is commenced, or within three days after such service or attempted service, apply to said board or the president thereof, to have said order or its execution stayed or modified, it shall then be the duty of said board to temporarily suspend or modify said order or the execution thereof, save in the case of imminent danger from impending pestilence, when said board may authorize extraordinary powers, as herein elsewhere specified, and to give such party or parties together, as the case, in the opinion of the board, may require, a reasonable and fair opportunity to be heard before said board and to present facts and proofs (according to the rules and directions of said board) against said declaration and the execution of said order, or in favor of its modification according to the regulations of the board; and shall enter on its minutes such facts and proofs as it may receive, and its proceedings on such hearing, and any other proof it may take; and thereafter may rescind, modify or reaffirm its said declaration and order, and require execution of said original or of a new or modified order to be made, in such form and effect as it shall finally determine.

SEC. 3. Said board may, by resolution, confer upon the president power to exercise, in the absence of the board, the authority given in the foregoing section to temporarily suspend or modify any order or its execution, and said board may change or modify any order made under the first clause of the preceding section, except that in case where no hearing is asked for by the parties affected, the order shall not be so altered as to render it more stringent than the original order.

SEC. 4. Said board may order or cause any excavation, erection, vehicle, vessel, water craft, room, building, place, sewer, pipe, passage, premises, ground, matter or thing, in said city of St. Paul, or adjacent waters, regarded by said board as in a condition dangerous or detrimental to life or health, to be purified, cleansed, disinfected, altered or improved, and may also order any substance, matter or thing being, or left in any street, alley, water, excavation, building, erection, place or grounds, (whether such place where the same may be, be public or private,) and which said board may regard dangerous or detrimental to life or health, to be speedily

removed to some other place; and may designate or provide a place to which the same shall be removed, when no such adequate or proper place in the judgment of said board is already provided. The said board may require the police force of the city of Saint Paul to execute any of the orders referred to in this act, and it shall be the duty of such police force to execute the orders of the said board of health.

SEC. 5. And said board of health shall use all reasonable means for ascertaining the existence and cause of disease or peril to life or health, and for averting the same throughout the limits of the city of St. Paul, and shall promptly cause all proper information in possession of said board to be sent to the local health authorities of any city, village or town in this state, which may request the same, and shall add thereto such useful suggestions as the experience of said board may supply; and it is hereby made the duty of said health authorities, whenever and wherever the same shall be established, to supply the like information and suggestions to said board of health of the city of St. Paul, and said board may take measures and afford inducements and facilities for general and gratuitous vaccination and disinfection, and may afford medical relief to and among the poor of said city, as in their opinion the protection of the public health may require, and may remove or cause to be removed to a proper place within said city, to be by them designated, any person sick with small pox or other contagious disease, and in the presence of great and imminent peril to the public health in said city, by reason of impending pestilence, it shall be the duty of said board to take such measures and to do and order and cause to be done such acts, though not herein elsewhere or otherwise authorized, and make such expenditures [having first for said expenditures obtained the consent of the common council of the city of St. Paul,) as it may in good faith declare the public safety and health demand. And such peril shall not be deemed to exist except when and for such period of time as the mayor of the city of St. Paul together with said board, shall declare by proclamation the same to continue or exist.

SEC. 6. And it shall be the duty of the police force of the city of St. Paul, promptly to advise the said board of health of all threatened danger to human health or life, and of all matters thought to demand its attention, and regularly to report to said board of health all violations of its rules and of said ordinances, and of the health laws, and all useful sanitary information. And it shall be the duty of the said police force faithfully and at the proper time to enforce and execute the sanitary rules and regulations and the orders of said board of health made pursuant to the powers of the said board of health upon the same being received in writing and duly authenti-

cated as said board of health may direct. And in and about the execution of any order of the board of health, police officers and policemen shall have as ample power and authority as when obeying any order of or laws applicable to the police authorities, or as if acting under a special warrant of a justice or judge duly issued. But for their conduct their responsibility shall not be to the board of health, but shall continue as is now provided by law.

SEC. 7. Said board may enact such by-laws, rules and regulations, as it may be deemed advisable, in harmony with the provisions and purposes of this act, and not inconsistent with the constitution and laws of this state for the regulation of the action of said board, its officers and agents, in the discharge of its and their duties and for the protection of life and public health, and from time to time may alter, annul or amend the same. And all courts and tribunals within the limits of the city of Saint Paul shall take cognizance of and give effect to said ordinances and the several parts thereof, and may punish any person guilty of a violation of the same with a fine not exceeding one hundred dollars, to be paid when collected into the treasury of the city; but nothing in this section contained shall be construed as in any manner limiting any power herein elsewhere contained.

SEC. 8. Said board shall cause to be kept a general complaint book or several such books, in which may be entered by any person in good faith, any complaint of a sanitary nature which such person thinks may be useful, with the name and residence of the complainant, and may give the name of the person or persons complained of, and the date of the entry of the complaint, and such suggestions of any remedy as may, in good faith, be thought appropriate; and said books shall be open to all reasonable public examinations as the board may authorize, and the board shall cause the facts in regard to such complaints to be investigated, and the appropriate remedy to be applied.

SEC. 9. Said board shall hold such regular meetings as are now provided by law, and special meetings as frequently as the proper and efficient discharge of its duties shall require, and the rules or by-laws shall provide for the giving of proper notices of all such meetings to the members of the board; and all meetings shall, in every suit or proceeding, be taken to have been duly called and regularly held, and all orders and proceedings to have been duly authorized, unless the contrary be proven.

SEC. 10. It shall be the duty of said board of health to aid in the enforcement of, and as far as practicable, to enforce all laws of this state, applicable within the limits of the city of Saint Paul, to the preservation of human life, or to the care, promotion or protection of health: and said board may exercise the authority given by the laws aforesaid to enable it to discharge the duties hereby imposed;

and this section is intended to include all laws relative to cleanliness, and to the use or sale of poisonous, unwholesome, deleterious or adulterated drugs, medicines or food. And said board is authorized to require reports and information, at such times and of such facts, and generally of such nature and extent relating to the safety of life and the promotion of health as its by-laws and rules may provide, from all public dispensaries, hospitals, asylums, infirmaries, prisons and schools, and from the managers, principals and officers thereof; and from all other public institutions, their officers and managers, and from the proprietors, managers, lessees, and occupants of all theatres, and other places of public resort or amusement in said district; and it is hereby made the duty of the officers, institutions and persons so called on, or referred, to promptly give such reports, verbally or in writing, as may be required by said board.

SEC. 11. That every clergyman, magistrate or other person, who may perform a marriage ceremony, shall make and keep a registry of the marriages celebrated, and therein enter the full name of the parties married, and the residence, age and condition of each; and every physician, midwife and other person who may professionally assist or advise at any birth, shall make and keep a registry of every such birth, and therein enter the time and place, ward and street, of such birth, and the sex and color of the child born, and the name and residence of each of the parents, so far as the foregoing facts can be ascertained; and every physician and professional adviser who has attended any person at a last illness, or has been present by request at the death of any person, shall make and preserve a registry of such death, stating the cause thereof and specifying the date, hour, place and street of such death.

SEC. 12. That it shall be the duty of every person mentioned in the last section (or required to make or keep any such register) to present to the said board of health a copy of such register, signed by such person, or a written statement by him signed, of all the facts in said register required to be entered, within five days after the birth or marriage, and within thirty-six hours after the death of any person to whom such registry may or should relate.

SEC. 13. That it shall be the duty of all coroners within the said city of St. Paul, within three days after the taking of any inquest, to file a written statement with the said board of health, signed by the coroner making the same, stating, so far as he is able, where, and upon the body of whom, such inquest was held, and the cause and date and place of the death of such person.

SEC. 14. It shall be the duty of the said board of health to make such further rules and regulations as to them may seem necessary

and proper for the more fully carrying out of the three preceding sections.

SEC. 15. That the said board of health are hereby authorized, and it shall be their duty to make such rules and ordinances as to them may seem necessary and proper for the purpose of compelling all physicians practising within the limits of the city of Saint Paul to make report of all cases of contagious diseases upon which they may be in attendance, and all keepers of boarding or lodging houses, all inn keepers and hotel keepers, to make report of all cases of contagious diseases occurring within their respective houses, and generally to make such regulations and rules as to them may be deemed necessary for the carrying into effect the objects of this section, and of obliging reports of contagious diseases to be made to the said board of health by all persons becoming cognizant of the same.

SEC. 16. That for the purpose of more fully carrying into effect the provisions of this act, the health officer of the city of Saint Paul shall be ex-officio president of the said board of health, and the city clerk of the said city shall be the secretary of the said board, and the president of the said board shall be "sanitary superintendent," under the control and direction of the said board. And the sanitary superintendent shall be entitled to have one assistant (except upon special emergency the common council of said city may provide two or more of such assistants,) who shall be appointed by the board of health upon the recommendation of the health officer, and such assistant or assistants shall hold their office for such time as the said board of health may require, but may be discharged at any time by a resolution of the common council. The said assistant or assistants and the secretary of said board shall be entitled to a salary for the duties assigned to and performed by them, and the rules and regulations of the said board, which salary shall be fixed by the common council, at any time, by resolution.

SEC. 17. The said board of health are hereby authorized and it shall be their duty to make rules and ordinances regulating the interment and removal of dead bodies, and their entry into, removal from and passage through the said city of Saint Paul. And no body shall be buried within the limits of said city, removed therefrom, or received therein, or passed through the said city, without a written permit first obtained from the said board of health, to be issued in a manner and under the conditions by them prescribed, and the said board of health shall make all rules and regulations necessary for carrying out the objects of this section.

SEC. 18. That the jurisdiction of the city of Saint Paul shall extend to and prevail over all public cemeteries under the control of organizations established in said city, and it shall be the duty of the board of health to make such rules and regulations as it may

deem necessary regarding the interment of dead bodies within the same, and prescribe the duties of all sextons and keepers of such cemeteries relative to the reception of and burial dead bodies.

SEC. 19. Whoever shall violate any of the provisions of this act, or any order of said board of health, made under the authority of the same, or any by-laws or ordinances therein referred to, or shall obstruct or interfere with any person in the execution of any order of said board, or willfully omit to obey any such order, shall be guilty of a misdemeanor. A willful omission or refusal of any individual, corporation or body to conform to any sanitary regulation of said board, duly made for the protection of life, or the care, promotion or preservation of health, pursuant to its powers and authority, shall be a misdemeanor. And all prosecutions and proceedings against any person or persons for such misdemeanor may be had or tried before any judge or tribunal having jurisdiction of any misdemeanors within the limits of the city of St. Paul, and any person or persons convicted of any such misdemeanor shall be fined in a sum not less than five dollars nor more than one hundred dollars.

SEC. 20. Copies of the record of the proceedings of said board, of its rules, regulations, by-laws and books and papers, constituting part of its archives, when authenticated by its secretary, shall be presumptive evidence, and the authentication be taken as presumptively correct in any court of justice, or judicial proceedings when they may be relevant to the point or matter in controversy, of the facts, statements and recitals therein contained, and the action, proceedings, authority and orders of the said board of health shall at all times be regarded as in their nature judicial and be treated as *prima facie* just and legal.

SEC. 21. It shall be the duty of the city attorney and the police justice of the city of Saint Paul, to act promptly upon all complaints and in all suits or proceedings for any violation of this act, and in all proceedings approved or promoted by said board, and to bring the same to a speedy hearing or termination, and to render judgment and direct execution therein without delay.

SEC. 22. The authorities of the city of Saint Paul may establish a quarantine ground in any suitable place either within or without its limits; and the jurisdiction of the city of Saint Paul, and the authorities thereof, shall extend to and prevail over such place established as a quarantine ground, to the same extent as within the limits of said city.

SEC. 23. The board of health of the city of Saint Paul may from time to time establish the quarantine to be performed by all vessels whose destination is to the said city; and may make such quarantine regulations as they shall judge necessary for the health and safety of the inhabitants.

SEC. 24. The quarantine regulations so established shall extend to all persons and all goods and effects arriving in such vessels, and to all persons who may visit or go on board the same.

SEC. 25. The quarantine regulations aforesaid, after notice thereof shall have been given by publication of the health ordinances of said city, shall be observed by all persons, and any person who shall violate any such quarantine regulations shall be guilty of a misdemeanor, and punished in the same manner as is provided in section nineteen (19) of the act for the punishment of persons violating the health ordinances of the said city.

SEC. 26. The board of health of the city of St. Paul, may at all times cause any vessel arriving at such city, when such vessel or the cargo thereof shall, in their opinion, be foul or infected, so as to endanger the public health, to be removed to the quarantine ground, and to be thoroughly purified at the expense of the owners, consignees or persons in possession of the same, and they may also cause persons arriving in or going on board of such infected vessels, or handling such infected cargo, to be removed to any hospital under the care of such board of health or otherwise, there to remain under their orders.

SEC. 27. All expenses incurred on account of any vessel, person or goods under any quarantine regulations, shall be paid by such person, or the owner of such vessel or goods respectively, and until said expenses are paid the same shall be a lien upon such vessel or goods respectively, and for which said vessel or goods may be retained by the said city; *Provided*, That if such expenses are not paid within ten days after the same are incurred, the said city may to pay the same, sell the said vessel or goods at public auction to the highest bidder, after giving ten (10) days' notice thereof by at least three publications in the official paper of the city, and any violation by the owner, officer or agent of any vessel or goods, of the quarantine regulations and rules herein provided for, or of this chapter shall be punished by a fine of not less than five dollars nor more than one hundred dollars.

SEC. 28. The quarantine ground shall be under the direction of the sanitary superintendent, who shall have the power to appoint one assistant, unless a greater number be granted by the common council of said city, whose duty it shall be to be in constant attendance at such quarantine ground when required by the health officer, and whose salary shall be fixed by the common council, and the said board of health of the said city shall regulate the duties of the said officers of said quarantine, and shall make such rules and regulations for the visiting of vessels passing such quarantine, and granting permits to the same, as to them may be deemed necessary and proper.

SEC. 29. All rules and ordinances of the board of health, before they shall take effect, shall have at least one publication in the official paper of the city.

CHAPTER XII.

MISCELLANEOUS AND SUPPLEMENTARY.

SECTION 1. No penalty for judgment recovered in favor of the city shall be remitted or discharged, except by a vote of two-thirds of the aldermen elect.

SEC. 2. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, or police, or health regulations made in pursuance thereof, shall be brought in the corporate name of the city.

SEC. 3. In all prosecutions of any violation of this act, or of any by-law or ordinance of the city of Saint Paul, the first process shall be a warrant; *Provided*, That no warrant shall be necessary in case of the arrest of any person or persons while in the act of violating any law of the state of Minnesota, or ordinance of the city of Saint Paul, but the person or persons so arrested may be proceeded against, tried, convicted and punished, or discharged, in the same manner as if the arrest had been by warrant. All warrants, process or writs by the city justice, for violation of any ordinance or by-laws of said city, shall run in the name of the city of Saint Paul, and shall be directed to the chief of police, or any police officer of said city.

SEC. 4. In all cases of the imposition of any fine or penalty, or of the rendering of any judgment by the city justice, pursuant to any ordinance, or by-law of the said city of Saint Paul, or pursuant to any provision of the charter of said city, as a punishment for any offense, or for the violation of any by-law or ordinance as aforesaid, the offender shall be forthwith committed to the common jail of Ramsey county, and be there imprisoned for a term not exceeding three months, in the discretion of the city justice, unless the fine or penalty aforesaid be sooner paid or satisfied, and in all cases where the punishment of such offenders shall be by imprisonment, such imprisonment shall be in the said common jail of Ramsey county, and from and after the time of arrest of any person or persons, for any offense whatsoever, until the time of the trial or hearing, the person or persons so arrested may be imprisoned in the said common jail of Ramsey county, or in the city prison, and in all cases where the said city justice is or may be authorized to commit any person or persons for any other cause by virtue of the provisions of the charter of said city, he may commit such person or persons to

the said common jail of Ramsey county. The sheriff of Ramsey county, and jailers, and prison keepers of said common jail of Ramsey county, and their and each of their deputies, are required to receive such persons in custody and confine them safely in said common jail of Ramsey county, until they shall be discharged by due course of law; and such sheriff, jailers, prison keepers, and their deputies, offending in the premises, shall be liable to the same pains and penalties, and the parties aggrieved shall be entitled to the same remedies against them or any of them, as if such prisoners had been committed to their custody by virtue of legal process issued under the authority of this state. The said city of Saint Paul shall be liable to pay for the support and keeping of said prisoners the same charges and allowances as are allowed for the support and keeping of prisoners committed under the authority of the state. *Provided* That nothing herein contained shall prevent the common council from providing by ordinance for subjecting any offender to be kept at hard labor, in any workhouse established by said city for that purpose, or from keeping any male offender at hard labor upon the public streets as provided for in chapter four of this act.

SEC. 5. The city of Saint Paul shall not be liable, in any case for the board or jail fees of any person who may be committed by any officer of the city, or any magistrate, to the jail of Ramsey county, for any offense punishable under the state laws.

SEC. 6. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

SEC. 7. When any suit or action shall be commenced against said city, the service thereof may be had by leaving a copy of the process, by the proper officer, with the mayor; and it shall be the duty of the mayor forthwith to inform the city attorney thereof, who shall take such other proceedings as by the ordinances or resolutions of said council may be in such case provided, or as may be deemed needful in the matter.

SEC. 8. The city may prosecute an appeal in all cases to the district court or court of common pleas for Ramsey county, or to the supreme court of the state. The mayor, in case of such appeals, in any action or proceeding to which the city is a party, and in which a bond may be necessary, shall execute a bond, signed by him or the city clerk, who shall affix the corporate seal thereto, conditioned as may be necessary in such action, proceeding or appeal, but no sureties or justification shall be required for said bond. Nor shall the city be required in any case to file a bond or give other security for costs.

SEC. 9. In case any judgment shall be rendered in any court of record against the city for a sum exceeding five hundred dollars

and no appeal shall be taken therefrom within thirty days thereafter, it shall be the duty of the city attorney to file a certified transcript of such judgment with the city controller. And it shall be the duty of the said common council to include in the next annual levy of taxes to be thereafter assessed and collected, a sum sufficient to pay such judgment, with legal interest accrued thereon; the amount so collected shall be credited to the general fund of said city, and such judgment shall thereafter be paid as other claims and demands against said city, but no execution shall issue upon such judgment for a period of six months after the first annual levy of taxes by said city after the date of filing the said transcript of said judgment as aforesaid with the city controller. *Provided*, That the said common council may order the payment of such judgment at any time after the rendition thereof, if there shall be sufficient moneys in the general fund of said city not otherwise appropriated.

SEC. 10. The following property now, or at any time hereafter, belonging to said city, shall be exempt from levy and sale under or by virtue of any execution: engine houses, hook and ladder houses, together with the grounds and lots on which they are situated, and all fire engines, carriages, hooks, ladders, buckets, hose or other fire apparatus used by any company created or authorized by the common council of said city; market houses and the furniture thereof; city hall and furniture of common council and office rooms; the public levee, streets or other real estate used for public purposes; the quarantine grounds and the buildings erected thereon, and fixtures and appurtenances thereof, and the present or future interest of the city in the Saint Paul bridge, or in or to the franchises, property and stock of the Saint Paul bridge company; or any other public property which said city shall own, hold or be interested in for the public use, or the rents, uses, profits or incomes whereof are due and payable to the city treasurer. Nor shall any real or personal property of any inhabitant of said city, or of any individual or corporation, be levied on and sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

SEC. 11. All deeds, leases and other instruments executed by said city, for the conveyance of real estate, or any interest therein, for a term exceeding one year, shall be authorized by a resolution of the common council, which shall be quoted or referred to in such instrument, and signed by the mayor and city clerk, who shall affix the seal of the city thereto, and shall be countersigned by the controller.

SEC. 12. All bonds hereafter to be issued by said city, and all orders on the city treasurer shall be signed by the mayor and the city clerk, who shall affix the seal of the city thereto, and shall be

countersigned by the controller. Warrants of the commissioners of the interest and sinking fund shall be signed as provided in chapter five of this act, and the city clerk shall affix the seal of the city thereto.

SEC. 13. The said city may lease, purchase and hold such real and personal estate, as the common council may deem necessary or convenient, and may lease, sell and convey the same, and the same shall be free from taxation.

SEC. 14. All contracts for work to be done for said city or for the purchase of materials or property of any kind, for the public use of said city, not otherwise provided for in this act, in which the value of such work, or the price or value of such property or materials, shall exceed the sum of two hundred dollars, shall be let to the lowest responsible bidder, reserving to the council the right to reject all unreasonable bids. In such case the common council shall require a notice of not less than six days of the time and place of letting such contract, by publication in the official paper of said city, which notice shall substantially describe the work to be done and such other particulars as the council may order, and shall designate the time and place when and where sealed proposals shall be received therefor; the said proposals shall be opened and considered by the common council at any regular or stated meeting thereafter or at a special meeting if designated in the notice; and upon any bid aforesaid being accepted, a contract in accordance therewith shall be drafted and submitted to said council, at any regular or special meeting, for its approval, and upon the same being approved and signed by the presiding officer of the council, it shall be executed on the part of the city by the mayor and the city clerk, with the corporate seal of the city attached and countersigned by the controller, and filed with the bond in the office of such controller. The said council shall require a bond on the part of the contractor, to be executed with such conditions, and with such sureties, and in such amount as the council may prescribe, for the purpose of securing the performance of the contract; the common council shall also have power to require every bid to be accompanied by a bond on the part of the bidder in such sum and with such sureties and conditions as the common council may prescribe. Contracts for work or for the purchase of materials or property where the value of the work or the price of the property or materials shall not exceed the sum of two hundred dollars, may be authorized by a resolution of the common council, to be made and entered into by any committee or officer of said city designated in such resolution, *Provided*, That in the event of extraordinary and sudden injury by fire, flood or other unforeseen cause, to the Saint Paul bridge, or to any

public street, public levee, public building or other public property of said city, whereby such property or adjoining property may be endangered or damaged, or the public health or safety may require the immediate repair thereof, the said council may authorize the same by resolution passed by a two-third vote of all the members elect, but the cost and expense thereof shall not in any case exceed the sum of one thousand dollars, and the same shall be paid out of the contingent fund if there be no moneys in the general or other appropriate fund to pay the same. In case of any contract provided for in this chapter, required to be let upon notice aforesaid, the controller shall not countersign the same until there shall be sufficient moneys in the appropriate fund to meet the indebtedness to be incurred by such contract. When the said contract shall have been so countersigned by such controller, he shall immediately thereafter deliver a certified copy thereof to the party or parties named in such contract, and until the delivery of such certified copy the same shall not be deemed the contract of said city, and no work shall be commenced or done thereunder until such contract is so delivered, nor shall the same be accepted by said city, or any accounts, claims or demands allowed, audited or paid therefor.

SEC. 15. Any contractor or person who accepts a contract under said city, shall take the same with the condition that he shall be personally and directly responsible for any and all loss, damage or injury to person or property, by reason of the neglect or failure of himself or any one in his employ, to so perform such work as to guard against all loss, damage and injury to person or property, and shall guard said work by suitable guards by day, and with lights at night, so as to prevent any such loss, damage or accident.

SEC. 16. Whenever any public ground, street or alley shall be laid out, widened or enlarged, under the provisions of this act, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city engineer, and also filed in the office of the register of deeds of Ramsey county.

SEC. 17. The city of Saint Paul shall have the power to take private property for public use upon just compensation therefor being first paid or secured, such power shall be exercised through its common council or board of public works, or both, or other officers of said city, as provided in this act, or as may be hereafter provided by law.

SEC. 18. All additions to the city of Saint Paul made, laid out and platted, as required by law, shall, before the same takes effect, or is recorded in the office of the register of deeds of Ramsey county, be presented to the common council of said city, at some regular or special meeting thereof, for acceptance by said city of

the dedication of streets, lanes, alleys, parks, or other public grounds therein.

SEC. 19. Said city shall accept the same, when the streets, alleys, lanes, parks or other public grounds thereof, proposed to be dedicated, shall conform to the streets, lanes, alleys and other highways of the adjoining additions already laid out and dedicated, platted and recorded, so far as is practicable from the topography of said addition and adjacent additions; and the proprietor or proprietors of such new addition shall, when they present their plat for acceptance as aforesaid, also present a plat or map of the additions or addition adjoining the same, if any, showing how said proposed new addition joins and conforms to the streets, alleys, lanes, parks or other public grounds in the older or accepted additions. And the said city of St. Paul shall not be required to work, repair, or keep in repair, or otherwise open or improve any street, alley, lane, park or other public grounds in such new addition, until the same has been accepted as aforesaid; *Provided*, That all the principal and important streets and avenues in said new additions, shall be at least eighty (80) feet wide, and all alleys or lanes at least twenty (20) feet wide.

SEC. 20. No law of this state contravening the provisions of the act, shall be construed as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law. Nothing in this act shall be construed to supersede any officer or officers of said city, now acting by virtue of the act incorporating said city, or the several acts amendatory thereof heretofore passed, or under any ordinance of said city heretofore enacted; and such officer or officers shall continue in office as heretofore, until his or their term of office shall expire, except as otherwise expressly provided for in this act.

SEC. 21. Every ordinance of said city shall, after its passage, be published in the official newspaper of said city, and shall not be in force until after such publication. The proof of such publication, by the affidavit of the foreman or one of the publishers of such newspaper, with a printed copy of the ordinance annexed thereto, or any other competent proof of such publication, shall be conclusive evidence of the legal passage, enactment, publication and promulgation of such ordinance, in any court in this state.

SEC. 22. The files, papers and records in the office of the city clerk, city engineer, clerk of the board of public works, or any other officer of said city, or copies thereof duly certified by the officer having the same in charge, proofs of publication of all notices, resolutions, orders or proceedings of the common council or board of public works, required to be published under this act, on file in the proper office, or copies thereof certified

by the officer having the same in charge, shall be received and read in evidence in all courts and places without further proof. All printed compilations of the laws and ordinances of the city, and all printed publications of the proceedings of the common council or of the board of public works, or any of the officers of said city, if published or purporting to be published, compiled or revised by or under the authority of the said city or any of its officers, shall be admissible in all courts of law and on all other occasions in this state as evidence of such laws, ordinances and proceedings.

SEC. 23. So much of any act of the legislature heretofore passed for the incorporation of the city of St. Paul, or amendatory thereto, or relating to assessments for local improvements within said city and not necessary to carry out any of the provisions of this act, and not contained or incorporated in this act, and so much of any act as may be inconsistent with this act is hereby repealed, but such repeal of any acts or parts of acts of the legislature, shall not in any manner affect, injure or invalidate any bonds, contracts, suits, prosecutions, claims or demands that may have been duly and lawfully issued, entered into, performed, or commenced, or that may exist under or by virtue or in pursuance of the said acts or any of them, but that the same shall exist and be enforced and carried out as fully and effectually to all intents and purposes as if this act had not been passed. And all ordinances, resolutions, regulations, rules, by-laws, orders, assessments and proceedings of the common council of said city and of the board of public works of the city of St. Paul, and of the board of health of said city, and of the board of assessors of said city, or parts thereof, not repealed, suspended, modified or made void by any express provisions of this act, shall continue and remain of the same force and effect as if this act had not been passed, until altered, amended, repealed or suspended by or under the authority of the common council of said city, of the said board of public works of said city, or board of health, board of assessors, or proper authority in pursuance of this act. And all assessments and proceedings of the common council of said city, or the said board of public works, board of assessors, board of health or other officers of said city, and all suits and prosecutions pending or unfinished, made or had under the act or acts of which this act is amendatory, or under any other law, shall not abate but shall continue and conform to, and be completed, and be enforced as nearly as may be, under the provisions of the said acts, hereby amended and of this act.

SEC. 24. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER II.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT CONSOLIDATING THE CITIES OF ST. ANTHONY AND MINNEAPOLIS, AND INCORPORATING THE SAME INTO ONE (1) CITY BY THE NAME OF MINNEAPOLIS," APPROVED FEBRUARY 28, 1872.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Section seven (7) of chapter two (2) of said act is hereby amended by adding at the end thereof as follows: *Provided further*, That whenever deemed necessary, the city council may divide any of the wards of the city for election purposes, constituting therein two or more election precincts, designating the place of holding elections therein and the boundaries thereof; and the aldermen residing in the election precincts so constituted, if any, shall act as judges of election therein, and the city council shall appoint such additional number of suitable persons, who shall be legal voters of said precincts, as may be necessary to constitute a full board of three judges in each precinct, who shall qualify in the same manner and have the same powers and perform the same duties as hereinbefore provided for judges of elections. And section eleven (11) of chapter two (2) of said act is hereby amended by adding thereto the following: *Provided however*, That on the first Tuesday of April, 1874, and every two years thereafter, the comptroller, and on the first Tuesday of April, 1875, and every two years thereafter, the treasurer of said city, shall be elected and hold his office for and during the term of two years. And said chapter two (2) of this act is hereby amended by adding the following section:

SEC. 2. Section two (2) of chapter three (3) of said act is hereby amended by inserting after the word "watchman" and before the word "and" in line seven thereof the words: "by and with the advice and consent of the city council." And section six (6) of chapter three (3) of said act is hereby amended by striking out all after the word "in," where it occurs in the last line, and adding in lieu thereof the words "the official paper of the city." And section nine (9) of said chapter is hereby amended by striking out after the word "who" in the third line and before the word "shall," first occurring in the fourth line the words "shall be a resident of the ward for which he is appointed, and." And section ten (10) of said chapter three (3) of said act, is hereby amended by striking out all

after the word "purposes," in the sixth line of said section, and adding in lieu thereof the following: "except that said assessor shall have from the first day of May to the fifteenth day of August to make such assessment, and for the purposes of assessment each division of said city shall be deemed a separate assessment district, and in making the assessment of valuation therein, the like rules shall govern both as respects the property to be listed and assessed, and the manner of listing and assessing the same, as are prescribed by the general laws of the state in regard to the several towns of the state, and all taxes levied and assessed upon buildings or improvements of whatever kind or description erected on leased land in said city, shall be a lien upon said buildings or improvements until the same are fully paid." The said assessors and the standing committee of the city council on taxes, shall constitute a board of equalization, and upon the completion of the assessment rolls by said assessors, the said board shall meet together, revise, amend and equalize the same, and when the same has been confirmed by the council, and then return the same, properly certified under oath, to the county auditor, in the same manner as assessors under the general laws of the state. And section twenty-seven (27) of said chapter is hereby amended by striking out the words "daily papers," where said words occur after the word "the," and before the word "of," in the third line of said section, and inserting the words "official paper," and by striking out the words "a daily newspaper of said city," in the fourth line where they occur after the word "in" and before the word "the," and inserting the words "some daily newspaper printed, published and of general circulation in said city." And said section is further amended, by adding to the end thereof the following: "and said paper so designated shall be and remain the official paper of said city, and the bond and contract aforesaid shall also be and remain in force for one year thereafter, and until said city council shall designate another paper as the official paper of said city in place thereof. But the city council may reject any and all proposals for said work, and adopt any other mode of publishing the official proceedings, ordinances, as it may seem best. *Provided*, That all proposals for doing job printing and publishing ordinances and such resolutions and advertisements as are required to be published, shall be accompanied by a bond with two sureties in the sum of twenty-five hundred dollars for the faithful performance of the said work and publication.

SEC. 3. Subdivision (8) of section three (3) of chapter four (4) of said act is hereby amended by inserting after the word "of," and before the word "cattle," in the first line of said subdivision, the words "horses, mules," and subdivision twenty-nine (29) of section three (3) of chapter four (4) of said act is hereby amended

by adding thereto the following: "and, to appoint a forester, whose duty it shall be to inspect all trees offered for sale for the purposes named, to superintend the planting and culture of the same; and to perform such other duties as the city council may prescribe." And section four (4) of chapter four (4) of said act is hereby amended by inserting after the word "force" and before the word "and" in the fifth (5th) line thereof, the words "and a copy thereof published as aforesaid, shall be *prima facie* evidence of its contents and of the regularity and legality of all proceedings relating to the adoption and approval thereof." And by inserting after the word "purpose" and before the word "No," where they occur in the seventh line thereof, the words "but no ordinance shall embrace more than one subject, which shall be expressed in its title."

SEC. 4. Section three (3) of chapter five (5) is hereby amended by adding to the end thereof the following: "And the city council [shall], on or before the first day of January, 1875, adopt such measures as shall be necessary for creating, establishing and providing for a sinking fund, and the same [safe] and proper management of the same, for the gradual and certain extinguishment of the debt of said city, and the debt of each of the divisions thereof; and the said council is hereby authorized to pass, ordain and establish such laws, ordinances, resolutions and regulations as may from time to time be expedient or necessary for carrying fully into effect the authority and power hereby granted, and said council shall also have power to levy and collect, as aforesaid, a special tax upon the taxable property of said city and each of the divisions thereof, in the year, 1874, and each year thereafter, and shall each year designate and set apart such of the specific revenues of said city derived from licenses, rents, sales of property, fines, &c., not otherwise appropriated, as the said council may deem proper for the purpose of forming and establishing a sinking fund, to be used for the objects herein named; and all funds so set apart and taxes collected, as aforesaid, shall be appropriated and applied to the sinking fund, and shall not be diverted to, or used for any other object or purpose than the extinguishment of the debt for which said fund is created, (except to temporarily invest the same in bonds of the said city, or bonds such as are invested in the permanent school fund of the state of Minnesota); and the said council is hereby authorized to transfer unexpended balances belonging to other funds, not required for the purposes for which said balances were levied and collected, to the sinking fund. *Provided*, That the proceeds arising from the sale and lease of property belonging to either of the said divisions of the city, shall be applied first to the payment of the indebtedness of the division to which said property belonged;

and the said council is hereby authorized to appoint a board of sinking fund commissioners, consisting of three persons, who shall take charge of, control and direct the investment and disbursement as provided in this section of the sinking fund, when created, subject to the approval of the city council; and, said council shall, by ordinance, define the duties of said board, determine the time of their appointment, and the length of time they shall serve. And section five (5) of chapter five (5) is hereby amended by striking out the words "such taxes over" where they occur in line seven after the word "pay" and before the word "when" and inserting the words "over such [taxes] together with penalties thereon."

SEC. 5. Section four (4) of chapter six (6) is hereby amended by striking out the proviso at the end of the section. And section five (5) of said chapter six (6) is hereby stricken out, and the following substituted therefor, to be called section five (5): "The city council of said city shall have the care, supervision and control of all highways, bridges, streets, alleys and public squares and grounds within the limits of the city, and shall have the power to build and keep in repair bridges, to lay out and open new streets, lanes and alleys in said city, whenever deemed necessary, and to widen, straighten and extend any that are now laid out or opened, or that may hereafter be laid out or opened; and to purchase and condemn private property for public squares, wharfs and markets, and to improve the same; and the said city council is hereby authorized to levy and collect the value of property thus taken, or the damages done to property thereby, by an assessment upon the properties abutting or which may be benefited by such improvement, without regard to a cash valuation, or by taxation upon the property of the whole city, or upon the property of either of the divisions or wards thereof, or upon a portion of said city, or partly by assessment as aforesaid upon the properties benefited by said improvement and partly by taxation upon the whole city, or a portion thereof, in such manner as may seem just. *Provided*, That whenever it may [be] deemed necessary to lay out, open, widen, straighten, or extend any street, lane or alley, the said council shall, by resolution, fix the location, breadth and length of the same, and cause a survey or plat thereof to be prepared for the use of the commissioners, provided for in section seven (7) of this chapter. *And provided further*, That before any such street, lane or alley shall be opened for public use, and before any private property shall be taken for the purposes aforesaid, all damages which any owner or owners of property may sustain thereby, shall first be ascertained, paid or secured as hereinafter directed. And section six (6) of chapter six (6) is hereby amended by inserting after the word "commissioner" and before the word "of" in the last line but one, the words "or some other

suitable person, to be appointed by the city council." And section seven (7) of chapter six (6) of said act is hereby stricken out and the following substituted, to be called section seven (7): "Whenever it may become necessary to take private property for the purpose contemplated in the last two sections, the city council shall appoint five (5) commissioners (any three of whom shall be competent to act), who shall be freeholders and qualified electors of the city, to view the premises and ascertain and assess the damages occasioned thereby and make assessments therefor as hereinafter provided. Said commissioners shall be notified as soon as practicable by the city clerk of said city, to attend at his office, on or before a day fixed by him, for the purpose of qualifying and entering upon their duties; and in case any such commissioner, upon being so notified, shall neglect or refuse to attend as aforesaid, he shall be guilty of a misdemeanor and upon conviction thereof shall forfeit and pay a fine not exceeding fifty (50) dollars, and by and upon information, may be prosecuted therefor before the municipal court of said city, as in case of a violation of an ordinance of said city; and the commissioners in attendance may fill all vacancies by appointment of proper persons, or the city council may, in its discretion, fill such vacancies. The commissioners shall be sworn by the city clerk, or any officer authorized to administer oaths, to discharge their duties as such commissioners in the matter with impartiality and fidelity, and make due returns of their action to the city council and shall, without unreasonable delay, cause the survey and plat, exhibiting as far as possible the lands or parcels of property proposed to be taken, or which may be damaged by the proposed improvement, to be filed with the city clerk; and shall give notice, by publication in the official paper of the city, once each week for two successive weeks, that such survey and plat is on file at the office of the city clerk as aforesaid, for the examination of all persons interested, and that upon a day designated in said notice, said commissioners will meet upon and view the premises or grounds to be taken for the [pro]posed improvement, and will receive and consider all claims for damages, hearing such allegations and evidence upon the subject as interested parties may choose to offer; and for such purpose, said commissioners may adjourn from day to day. The time so designated must be at least fifteen (15) days after the first publication of said notice. After fully examining the premises, and hearing the claimants for damages, they shall proceed to make a true and impartial appraisement of the damages, taking into consideration in said appraisement the probable advantages and benefits, as well as disadvantages, which any owner or owners will be likely to sustain by reason of the proposed improvement; and after ascertaining the whole amount of damages, they shall assess the same equitably, justly and without partiality, upon the properties that

may be or will be benefited by said improvement, or upon the whole property of the city, or any portion thereof, or partly upon both, as indicated in section five (5) of this chapter as amended; they shall make or cause to be made, a plat of the proposed improvement, indicating its location, and the location, size, boundaries and improvements of each property damaged or benefited, with the name of the owner or owners of each, if ascertainable, and shall prepare a statement showing the amount of damages allowed and the assessment made in each case, and shall give ten (10) days' notice, by publication in the official paper of the city, of a time and place where persons interested may see said plat and statement, and when they will hear any complaints or evidence that may be offered on the subject; they shall hear and consider all complaints and evidence that may be presented at the time and place appointed, and after making any corrections or modifications they may deem necessary or just, they shall make a report to the city council and file the same in the office of the city clerk, accompanied by the plat and statement aforesaid; and it shall be the duty of the city clerk, after having received the report as aforesaid, to give notice not less than five (5) days before such meeting, in the official paper of the city, that said report is on file and open for examination in his office, and that the same will be presented to the city council for consideration at a meeting thereof to be named in said notice, and that said council will hear any complaint made by any person aggrieved by the report of said commissioners. The city council shall, upon the day fixed for the consideration thereof, or at any time thereafter, have the power to revise, confirm, annul or send back said [report] to said commissioners for re-examination and further report; but whenever the council shall finally act upon, approve and confirm the report of the commissioners, such approval shall be final and conclusive; except that any person, feeling aggrieved by such assessment or report, may, by notice in writing, serve, on the mayor of said city, a copy whereof, with proof of service, together with a bond with sureties to be approved by the judge of said court conditioned for the payment of all costs which may be awarded against said appellant, shall be filed in the [office of the] clerk of the municipal court of said city or common pleas of [or] district court of Hennepin county, within twenty (20) days after the confirmation of such report or assessment, appeal from such assessment to the municipal court of said city. or the common pleas of [or] district court aforesaid; such appeal shall be tried by the court or jury, as in ordinary cases, but no pleading shall be required, and the party appealing shall specify in the notice of appeal the grounds of objections to such assessment, and shall not be entitled to have any other objections than those so specified considered; and a transcript of such report, certified by the city clerk, or the original thereof, shall be *prima facie* evidence of

the facts therein stated, and that such assessment was regular and just, and made in conformity to law, and that all proper notices were duly given and proper proceedings had; the judgment of the court therein shall be final. Such appeal shall be entered and brought on for trial and [be] governed by the same rules in other respects as appeals from justices of the peace in civil actions. And said court may, in its discretion, direct a return of said report or assessment to the [said] city council for re-submission to said commissioners, for the correction of any defect in the proceedings of said commissioners, which does not affect the substantial rights of the appellant, or may direct an amendment of any clerical errors apparent upon the face thereof. The damages awarded in such cases shall be paid, tendered or deposited and set apart in the treasury of the city, to and for the use of the parties entitled thereto, within one year from the date of the approval of the report, by the council or the said court, and the property is required [required] to be taken for the proposed improvement shall not be appropriated or disturbed until the damages awarded to the owner or owners thereof shall be paid, tendered, set apart or appropriated for the use of the proper party or his agent as aforesaid, and in case the said city shall be unable to determine, in any particular case, to whom the damages so awarded should be paid, or in case of disputed claims in relation thereto, the damages in such case may be deposited, by order of the city council, in the district court for Hennepin county, in the same manner as moneys are paid into court, until parties thereto shall substantiate their claims to the same. When any known owner of lands or property affected by any proceeding under this act or the act of which this is amendatory, shall be an infant, or labor under any legal disability, the judge of the municipal court of said city or of the district court, or court of common pleas for said county of Hennepin, shall, upon the application of the party laboring under such disability, or his next friend, or of the city attorney by affidavit showing the facts aforesaid, and that due notice as provided by this act has been given to said infant or person laboring under such disabilities, appoint some suitable person guardian for such person, which guardian [shall], upon notice of the pendency of said proceedings, appear, answer or defend the same, and stand in all respects for and in the place of the party whom he represents in the proceedings. And section eight (8) of chapter six (6) is hereby amended by striking out the first fourteen lines of said section down to the word "*Provided*," and inserting in lieu thereof the following: "The expenses of building, repairing and maintaining bridges and approaches thereto, (excepting those crossing the main channel of the Mississippi river, and bridges leading thereto and crossing the east channel of said river,) and of lighting the streets, and cleaning sewers, public grounds, market places or parks, shall be borne by the division in which the same may lie; but

the expenses of grading and cleaning the highways, streets, alleys and gutters within said city shall be borne by the ward in which the said work is done."

SEC. 6. Section one (1), of chapter eight (8), is hereby amended by inserting after the word "ward," and before the word "where," in the third line of said section, "or such other person as the council may appoint." And section eight (8), of chapter eight (8), is hereby amended by adding at the end thereof the following: And all publications purporting to be ordinances and resolutions adopted by the city council of said city, printed in the Minneapolis Daily Tribune since the ninth (9) day of April, one thousand eight hundred and seventy-two (1872), are hereby declared to be valid and legal ordinances and resolutions of said city, and the same and each thereof are hereby legalized and confirmed as such of the dates when the same were so as aforesaid respectively published, [and the book heretofore published] and purporting upon the title page thereof to be "The City Charter, Ordinances, Standing Rules and Orders of the City Council of the city of Minneapolis Revised and compiled by A. N. Merrick, City Attorney," and printed and published at "Minneapolis" by the "Tribune Printing Company," in the year "1873," is hereby declared to be admissible in all [the] courts of this state without further proof, as *prima facie* evidence of the contents of said city charter, ordinances and resolutions therein contained, and after [of the] regularity and legality of all proceedings relating and necessary to the due and legal adoption, approval and publication of said ordinances and resolutions and each thereof, and is hereby expressly provided, that whenever any amendment or amendments, are by this act made of any section or sections, of any chapter of the act to which this act is amendatory, by an insertion in or omission from any designated line or lines thereof, or by both such insertion and omission, the number of the line or lines so designated shall be calculated from and in accordance with the lines of said section or sections as the same appear from and are printed in and shown by the publication thereof in the book last aforesaid; and the said city council may, whenever it shall deem the same necessary, direct the publication in book or pamphlet form, of the city charter of said city as amended, and of all or any of the ordinances, regulations, resolutions and by-laws of said city theretofore adopted, and said publication, when the same shall appear by apt words printed upon the title page thereof to have been published by the direction and with the approval of said city council, shall be admitted in all the courts of the state without further proof as *prima facie* evidence of the regularity and legality of all proceedings relating and necessary to the due and legal adoption, approval and publication of each and all said ordinances,

regulations, resolutions and by-laws, and the contents thereof, and of the contents of said city charter. And section sixteen (16), of chapter eight (8), is hereby amended by inserting after the word "ward," and before the word "shall," in the first line, the following: "Or in case of his inability to act, some other suitable person to be appointed by the aldermen of the ward." And section seventeen (17), of chapter eight (8), of said act is hereby amended by adding to the end thereof the following: "But shall be exempt from serving as a juror while holding said office." And section nineteen (19), of chapter eight (8), of said act is hereby amended by striking out all after the word "return," in the seventeenth (17), line, and adding in lieu thereof the following: "And said assessment list so prepared shall be handed to the city clerk, who shall issue his warrant therefor and the same shall be collected in the manner and subject to the conditions provided in the chapter to be known as chapter ten (10), of the act to which this [act] is amendatory. And the city council shall provide for the doing of the same by the street commissioner of the proper ward, or by contracting with other parties at a price not exceeding such estimated cost as it deems best; and the city engineer shall prepare an assessment list embracing each lot or parcel of land, the amount assessed thereon for the improvement aforesaid, and the name of the owner or owners, if the same can be ascertained.

SEC. 7. Sec. twenty (20), of chapter eight (8), of said act is hereby amended by striking out all after the word "another," in the fifth line and insert[ing] the following: "And shall have power to vacate highways, streets, lanes or alleys, or any portion thereof whenever the said council may deem it expedient."

SEC. 8. Chapter eight (8) of the said act is hereby amended by adding thereto the following sections:

SEC. 21. That whenever any person or persons shall subdivide any lot or piece of ground within the city of Minneapolis, or the city district, into building lots, for the purpose of selling the same or any part thereof, it shall be the duty of such person or persons, to prepare and present a plat thereof to the city council of said city for its approval, before the same shall be entered and accepted as a plat of record in the office of the register of deeds of the county of Hennepin, and shall furnish to the city engineer of said city a copy thereof, which it shall be his duty to file in his said office; *Provided*, That the city council of said city, at any time before the approval of such plat as aforesaid, and after the presentation of the same, may by resolution direct the city engineer to cause a plat of such land or lands lying within the limits of said city, or of the city district, to be made, showing the location, direction and width of all streets and alleys therein and the manner in which the same will connect

with the streets and alleys existing in said city, when said lands shall have been by the owners thereof platted and recorded as additions to said city as aforesaid, and when said council shall have approved the part [plat] of said city engineer, they shall cause notice thereof to be given by said city engineer [by publication] in the official paper of the city for at least ten days, which said notice shall contain a description of the land so platted, and the names of the owners thereof, if known, and that the plat so made and approved may be seen in the office of said city engineer; and said city engineer shall cause a copy of said printed notice to be filed in the office of the register of deeds of the county of Hennepin, who shall record and index the same as conveyances of lands are by law required to be recorded and indexed; and said record shall be effectual as evidence to the same extent and in the same manner as records of deeds now are or hereafter may be by law effective and when said council shall have approved any plat, as aforesaid, it shall be the duty of the city clerk to certify the fact of approval by said council, upon the face of said plat, when it may be entered as a plat of record in the office of the register of deeds in said county, and if any person or persons shall dispose of or sell any building, lot or lots in said city or city district in accordance with any plat before the same has been recorded as aforesaid and a copy furnished to said city engineer, or shall dispose of any lot or piece of ground in said city which may not have been subdivided, without reference to [a] plat, or shall sell or dispose of any lands of which a plat has been made as aforesaid by the city engineer and approved by said city council, and of which notice has been given as aforesaid, for the purpose of evading the provisions of this section, such person or persons so selling or disposing of the same or any part thereof, and the person or persons purchasing [the same,] with knowledge of the extent [intent] aforesaid shall forfeit and pay a sum not less than fifty dollars, nor more than five hundred dollars for each and every lot or parcel of land so sold or disposed of, to be recovered as debts of like amount are by law recovered [recoverable,] by suit before any court of competent jurisdiction, in the name and for the use of said city, and said council shall have power to extend avenues, streets, lanes or alleys through any lot or parcel of land which may have been sold or conveyed contrary to the provisions of this section, and shall not be subjected to damages therefor.

SEC. 22. The said council shall have power and it shall be the duty of said council to designate by ordinance or resolutions, such portions of the territory lying adjacent to, outside of and around the boundary lines of said city as then existing as said council may deem proper, as a city district for said city, the boundaries whereof shall be properly defined in said ordinance or resolution, and said

city district shall be subject to all the limitations and restrictions of the preceding section. *Provided*, That no territory lying a greater distance than three miles in a direct line from the boundary line of said city as then existing shall be embraced within the said city district, and said council shall have the power to indicate by plat such avenues, streets, lanes or alleys through any portion of said "city district," after a plat of the same shall have been presented to the city council, giving the same such arrangement and dimensions as shall, in the judgment of said council, be best calculated to meet the wants and convenience of any future population [and the population] of the whole city.

SEC. 9. And the act to which this act is amendatory is hereby amended by adding thereto the following chapter, to be known as chapter ten (10) thereof:

CHAPTER 10.—ASSESSMENTS FOR LOCAL IMPROVEMENTS.

SECTION 1. The city council is hereby authorized to levy assessments for local improvements upon the property fronting upon such improvements, or upon the property to be benefited by such improvement, without regard to a cash valuation.

SEC. 2. Whenever the city council of said city may deem the same necessary, it is hereby authorized to pave, re-pave or macadamize any public street, lane or alley, or any part thereof, which is now or which may be hereafter laid out and opened in said city, or which may be in the whole or in part boundaries of said city and to have the same set with curb stone, and the said council is hereby authorized to levy and collect the cost and expense of the same, from the owners of property bounding or abutting on the portions of said streets, lanes or alleys thus improved, by an assessment of an equal sum per foot front of said properties, without regard to a cash valuation. *Provided*, That said council shall be petitioned by one third in interest of the property, except by property owned by corporations, to be affected by the improvements proposed in this section, to petition for the same before it shall be undertaken.

SEC. 3. Whenever any street, lane or alley, or any part thereof has been paved, re-paved or macadamized, in pursuance of the preceding section, it shall be the duty of the city engineer to make the assessment list for the cost and expense thereof as provided for in said section, and to give notice by publication for ten days in the official paper of the city, that the said assessment list has been made and may be seen at his office, and the [that] parties interested may have an opportunity of having errors or mistakes corrected. After correcting any errors or mistakes that may have been discovered, he shall immediately hand over the [said] assessment list with

plan and description of each lot, the amount assessed thereon, and the name of the owner or owners, if the same be ascertainable, to the city clerk of said city, and the same shall be collected as hereinafter provided.

SEC. 4. That said city council is authorized, whenever it may deem the same necessary, to cause sewers to be constructed in any street, lane or alley of said city, and to levy and collect the cost and expense thereof, excepting street crossings and catch basins, or such portion of said cost and expense as said council may deem just, by an assessment upon the properties bounding or abutting on the portions of said streets, lanes or alleys thus improved, of an equal sum per foot front of said properties, or partly upon such abutting properties and partly upon other properties not abutting but benefited thereby, in either case without regard to cash valuation, or partly upon the two classes of property above named and partly by taxation upon the whole property of the division in which such sewer is constructed, in such manner as the said council may deem just, and all assessments and taxes levied upon properties along streets in which sewers have already been constructed are hereby declared valid and are in all respects legalized and confirmed, and said council is hereby authorized to levy and assess upon such properties as lie abutting or that may be drained by sewers already constructed, or hereinafter to be constructed, and which may not have been assessed for the cost and expense of constructing [the same], excepting street crossings and catch basins the same such sum, without regard to cash valuation, as said council may deem just; and said council may require the owner or owners of properties so assessed to pay said assessment into the city treasury, before tapping or making connection with such sewer.

SEC. 5. Whenever [any] such improvement as is contemplated in the preceding section shall have been determined upon or completed, the said council shall apportion the cost and expense thereof, in accordance with the preceding section; and it shall be the duty of the city engineer to prepare the assessment list for such portions of the cost and expense of said improvement, as the council shall have fixed, as aforesaid, upon the properties fronting upon or to be drained thereby, with plan and description of each lot or parcel of land, the amount assessed thereon, and the name of the owner or owners, if the same can be ascertained; and said assessment list, when completed, shall be filed in his office for examination by persons interested, and notice of such filing shall be given, in the same manner as provided in section three (3) of this chapter; and after errors and mistakes have been corrected, the said assessment list, with plan, &c., shall be handed over to the city clerk of said city, and the same shall be collected as hereinafter provided.

SEC. 6. Whenever it shall be deemed advisable by the city council to lay, relay, or extend the water mains along or through any of the streets, lanes or alleys of said city, said council is hereby authorized and empowered and shall assess and collect such proportion of the cost and expense of laying, relaying or extending said water mains, including fire hydrants and mains leading thereto, not exceeding the cost and expense of laying a six inch pipe, as said council may deem just and reasonable, and not exceeding the actual cost thereof, upon the properties or blocks [bounding] or abutting on the streets, lanes or alleys along or through which such water mains may have been laid, relaid or extended, or are proposed to be laid, relaid or extended, without regard to cash valuation, and [the] balance (if there be any) of the cost and expense of laying, relaying and extending the water mains, as aforesaid, shall be chargeable to the whole property of the division in which such work shall be or may have been done; and all levies and assessments of taxes heretofore levied by said council upon the blocks or parts of blocks, bounding or abutting upon streets, lanes or alleys in which the water mains have been laid, relaid or extended under, the act of which this is amendatory, approved February 28, 1872, are hereby legalized and confirmed, but not exceeding the actual cost thereof.

SEC. 7. Whenever the city council shall have determined to lay, relay, or extend the water mains in or through any of the streets, lanes or alleys of said city, the said council shall fix the sum per lineal foot that shall be chargeable to the properties or blocks bounding or abutting upon any street, lane or alley in which said mains are proposed to be laid, relaid or extended, as authorized in the preceding section, and said council shall prescribe the rule, mode or manner of appropriating [apportioning] the sum so fixed, upon the properties or blocks chargeable therewith; and thereupon it shall be the duty of the city engineer to prepare the assessment list, with plan and description of each lot or parcel of land, the amount assessed thereon, and the name of the owner or owners, if the same can be ascertained, and said assessment list, plan and description shall be handed to the city clerk of said city, and treated and disposed of in the same manner hereinafter provided. *Provided*, That said council may authorize the division of any and all assessments levied upon the properties for the construction of the improvements named in sections five (5) and seven (7) of chapter six (6) of the act to which this act is amendatory, as hereby amended, and sections two (2), four (4), six (6) and nine (9) of this chapter, and such other assessments authorized by this act [or the act] to which this act is amendatory, into installments, and direct the payment thereof in not exceeding three annual payments, with interest thereon

with [at] not exceeding the rate of twelve (12) per cent. per annum, until fully paid; and each of said installments shall be collected as hereinafter provided, as though the same were distinct assessments.

SEC. 8. That the term "owner," as used in this act, shall be construed to mean all persons, incorporated companies, public, private and municipal, and all religious, benevolent, literary or other societies or associations, not exempted by law from taxation and assessment for such purposes, having any title or interest in the properties appraised or assessed; and in case of leaseholds or different estates in the same property, the commissioners or the city council shall have power to apportion the damages or assessments among the different owners or between the lessors or lessees, and report how much each one shall receive or pay.

SEC. 9. When any special assessment provided for by this act or the act to which this is amendatory, shall have been confirmed by the city council, or upon appeal therefrom by the court, the city clerk shall issue a warrant for the collection thereof, which shall be under the corporate seal and signed by the mayor, comptroller and city clerk, and shall contain a (printed or written) copy of the assessment roll as confirmed aforesaid, or so much thereof as describes the real estate and the amount of the assessment in each case. In case of an appeal as provided by section seven of chapter six of the act to which this act is amendatory, as amended and by this chapter said appeal shall not delay or effect the collection of the assessment under such warrant except as to the property of the appellant therein affected [effected] by said assessment, and particularly mentioned and described in the notice of such appeal. And in case such appeal shall be decided in favor of the appellant, and said assessment, so far as the same applies to the property of appellant aforesaid, be vacated by said court, the commissioners originally appointed to make said assessment, or said city council, as the case may be, shall make a new assessment as to the property of such appellant last aforesaid, proceeding *de novo*, as to the same in accordance with the provisions of this act, and the act to which this act is amendatory.

SEC. 10. All warrants issued as aforesaid for the collection of special assessments shall be delivered by the comptroller to the city treasurer, taking his receipt therefor.

SEC. 11. Upon the receipt of any warrant for the collection of any special assessment, the city treasurer shall forthwith give notice by ten (10) days' publication in the official paper of said city, that such warrant is in his hands for collection, briefly describing its nature, and requesting all persons interested to make immediate payments at his office, and that in default thereof the same will be collected at the cost and expense of the persons liable for the payment of such assessments.

SEC. 12. All assessments levied by the city council under this act or the act to which this act is amendatory shall be a paramount lien on the real estate on which the same may be imposed from the date of the warrant issued for the collection thereof until the said assessments and the penalties, interests, costs and accruing costs therein have been paid; and the city treasurer shall forthwith upon the receipt of said warrant, deposit a copy thereof certified by him, in the office of the register of deeds of Hennepin county, who shall record and index the same as conveyances of lands are by law required to be recorded and indexed therein, and said register of deeds shall be entitled to receive from said city the sum of twenty-five cents therefor, and said city treasurer shall upon satisfaction of such assessment as to any piece or parcel of land entered in his own [hand] opposite the description thereof, in the records of said office of said register of deeds, a minute of [such] satisfaction; and no deed, mortgage, bond, or agreement for a sale or deed, or other conveyance of any piece or parcel of land described in said warrant shall be recorded in his office by said register of deeds, until satisfaction as aforesaid shall have been entered of such assessment as to said land, and any violation of this provision by said register of deeds shall be a misdemeanor and punishable by a fine not exceeding double the amount of the assessment, which fine when collected, shall be paid into the city treasury.

SEC. 13. If any assessment charged in any warrant issued under and pursuant to section ten (10) of this chapter shall not be paid within sixty (60) days after the first day of publication of notice by the city treasurer that he has received such warrant for collection, the assessment then remaining unpaid shall be collected with interest at the rate of two per cent. thereon for each and every month thereafter until the same shall be paid.

SEC. 14. The city treasurer shall within ninety (90) days after the expiration of the said period of thirty (30) days specified in the preceding section, make report to the district court or court of common pleas for the county of Hennepin, at any general or special term thereof, of all assessment warrants issued upon assessments under this act, and the act whereof this is amendatory, asking for judgment against the several lots and parcels of land described in such list of warrants for the amount of assessments, interest and costs respectively due thereon. The city treasurer shall give notice by six days' publication thereof in the official paper of said city of his intended application for judgment, which shall briefly specify the respective warrants upon which such application is to be made, and a description of the property against which judgment is desired and request all persons interested to attend at such term. The advertisement so published shall be deemed and taken to be sufficient

and legal notice of the aforesaid intended application by the city treasurer to such court of [for] judgment, and shall be held a sufficient demand and refusal to pay the said assessment, and shall be in lieu of service of summons, and any and all process by law required in the commencement of civil actions.

SEC. 15. The city treasurer shall obtain a copy of the advertisement or advertisements referred to in the preceding section, together with an affidavit of the due publication thereof from the printer, publisher, foreman or manager of the newspaper in which the same was published, and shall file the same with the clerk of such court at the said term with said reports.

SEC. 16. The clerk of said court, upon the filing of such reports by the city treasurer, shall receive and preserve the same, and shall record thereon all judgments, orders, and other proceedings of said court in relation thereto. Each of said reports shall constitute a separate suit which shall be docketed by said clerk in the following form as nearly as may be, to-wit:

City of Minneapolis vs. _____ and others
 _____ suit for assessment on warrants for
 _____ or in such other manner as will sufficiently
 indicate the nature of the improvement for which the assessment is
 due.

SEC. 17. Said court shall, upon the filing of said reports, proceed immediately to the hearing of the same, and they shall have priority over all other civil causes pending in said court; the said court shall pronounce judgment against the several lots and parcels of land described in said reports, for which no objection shall be filed, for the amount of the assessment, damages, and costs due severally thereon. *Provided*, That the rendition of judgment as aforesaid shall not thereafter prevent the collection of interest thereon as prescribed in section fourteen (14) of this chapter. The owner of any property described in said reports, or any person beneficially interested therein, may appear at said court, at the time designated in the city treasurer's notice, and file objections in writing to the recovery of judgment against such property; but no objection shall be sustained founded on any mere formal irregularity or defect, and no objection shall be interposed or sustained in relation to any of the proceedings prior to the confirmation of the assessment, except to the jurisdiction of the city council, and no objection as to any other of the proceedings shall be sustained on any mere formal irregularity or defect, and the city treasurer may amend, by leave of court, any matter in furtherance of justice. The court shall hear and determine all objections in a summary way without pleadings, and shall dispose of the same with as little delay as possible, consistently with the demands of public justice,

but should justice require that for any cause the suit as to one or more owners should be delayed, judgment shall then be rendered as to the other property and lands described in said reports, and process shall issue for the sale thereof the same as in all other cases.

SEC. 18. In [all] cases where judgment shall be rendered by default against the property described in said reports, the court shall thereupon direct said clerk to make out and enter an order for the sale of the same, which said order shall be substantially in the following form :

“Whereas, due notice has been given of the intended application for a judgment against said lands, and no owner hath appeared to make defence or show cause why judgment should not be entered against said lands and other property for the assessment, damages and costs due and unpaid thereon; therefore, it is considered by the court that judgment be and is hereby entered against the aforesaid lots and parcels of land in favor of the city of Minneapolis, for the sum annexed to each lot or parcel of land, being the amount of assessment, damages and costs due severally thereon; and it is ordered by the court that the several lots and parcels of land, or so much thereof as shall be sufficient of each of them to satisfy the amount of the assessment, damages and costs annexed to them severally, be sold as the law directs.”

In all cases when a defense shall be interposed and judgment shall be rendered against the property, a similar order adapted to the circumstances of the case, shall be made and entered of record. Fifteen cents cost shall be laid to each lot against which judgment is rendered: ten cents to be for clerk's fees for entering said order, and five cents for advertising each notice provided in this chapter. *Provided, however,* That nothing in this act shall prevent said clerk from taxing in all causes arising under this act the same fees, when not otherwise herein provided, allowed him by law for like services in other civil causes. *And provided further,* That after judgment shall be ordered to be entered against any lot or real estate, for the non-payment of assessments as aforesaid, the same shall not be opened or set aside except for mistakes, or frauds in entering the same, or in ordering the same to be entered, any provision of the general laws of this state to the contrary notwithstanding.

SEC. 19. Said clerk shall, within twenty days after such order is granted as aforesaid, make out, under the seal of said court, a copy of so much of said city treasurer's report in such case as gives a description of the land against which judgment shall have been rendered, and the amount of such judgment, together with the order of the court thereon; which shall constitute the process on which all

lands, lots, sub-lots, pieces and parcels of land, shall be sold for the amount of any assessments, damages and costs so levied, assessed or charged upon them; and the said city treasurer is hereby expressly authorized, empowered and directed to make sale of such lands, lots, pieces or parcels of land or other property, upon ten (10) days' notice thereof, to be published at least three (3) times in the official newspaper of said city. *Provided, however,* That in case the official paper of said city should be a newspaper printed and published weekly, each or all of the publications required by this chapter may be published in such daily newspaper printed and published in said [city] as said city council may select.

SEC. 20. Said advertisement so to be published in each case of a judgment upon any special or general collection warrant and report as aforesaid, shall contain a list of the delinquent lots and parcels of land to be sold, the names of the owners, if known, the amount of the judgments rendered thereon respectively, and the warrant upon which the same was rendered, the court which pronounced the judgment, and a notice that the same will be exposed at public sale at a time and place therein named by said city treasurer. The omission of the name of any owner, or any mistake respecting the same, shall not invalidate the sale if the property be otherwise described with sufficient certainty. Said proceeding may be stopped at any time upon the payment of said judgment and accruing costs to said city treasurer.

SEC. 21. In all proceedings and advertisements for the collection of such assessments, and the sale of lands therefor, letters or figures may be used to denote lots, sub-lots, lands and blocks, sections, townships, ranges and parts thereof, the year and the amounts.

SEC. 22. Certificates of sale [shall] be made and subscribed by the city treasurer, which shall be delivered to the purchaser, which certificate shall contain the name of the purchaser, a description of the premises sold, the amount of the assessment, with the amount of the judgment for which the same was sold, the amount of accruing costs thereon, the interest the same shall bear, and the time when the right to redeem will expire. The city treasurer may continue such sale from day to day, (Sundays excepted,) until all the lots or parcels of land contained in his said precept, on which judgment remains unpaid, be sold or offered for sale, and may postpone the same from time to time, not exceeding at any one time more than three (3) days as he shall deem proper upon giving public notice thereof by declaring the same to the bidders at said sale if any, at the time of such postponement; *Provided,* That in case of any defect or mistake in the judgment or order, or copy delivered to the clerk, or in the advertisement or certificate of sale or other proceedings taken after such judgment, the court may amend such judgment, and order

a resale if necessary, or amend the certificate of sale, or direct a readvertisement, or in [any] other manner remedy such defect or mistake.

SEC. 23. The person purchasing any lot or parcel of land shall forthwith pay to the city treasurer the amount of the judgment together with the interest and accruing costs due thereon, and on failure so to do, the said property shall again be offered for sale in the same manner as if no such sale had been made; and in no case shall the sale be closed until payment shall have been made. If no bid shall be made for any lot or parcel or land, the same shall be struck off to the city; and thereupon the city shall receive in the corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sales.

SEC. 24. The city treasurer shall make return of his precept to the court from which the same was issued. A record of all sales made by the city treasurer shall be kept in the office of the comptroller, which shall be open to public inspection at all reasonable times; and said record, or copies thereof, certified by said comptroller shall be deemed sufficient evidence to prove the sale of any land or [other] property for assessments, or any other fact authorized to be recorded therein.

SEC. 25. The right of redemption in all cases of sales for assessment shall exist to the same persons, and to the same extent now allowed by law in the case of sales of real estate for taxes; on the payment in lawful money of the United States of the amount for which judgment was so as aforesaid rendered, the accruing costs thereon with interest from the time of such sale at the rate of twenty-four per cent. per annum, and any other assessments which may be made by virtue of this act and the act to which this is amendatory, subsequent to the sale with the interest accruing thereon at the rate, and payable in accordance with the provisions of section fourteen (14) of this chapter. If the real estate of any infant, lunatic or other person laboring under any legal disability be sold under this act, the same may be redeemed at any time within one year after such disability shall be removed. Redemption shall be made by the payment of the amount of redemption money to the city treasurer, and taking his vouchers therefor, and filing the same in the office of the city comptroller, who shall thereupon note the fact of said redemption upon his record of sales, and said comptroller shall thereupon give to said redemptioner a certificate to that effect; and the person holding a certificate of sale may surrender the same to the comptroller to be cancelled, and the fact shall, in like manner, be noted upon said record, and the said comptroller shall give such person surrendering such certificate, if desired, a certificate to that effect. Upon the return of the certificate of sale, or proof of

its loss, and the filing with the comptroller of an affidavit to that effect, if the property shall not have been redeemed according to law, a deed shall be executed to the purchaser, his legal representatives or assigns under the corporate seal of said city, signed by the mayor, comptroller, and clerk of said city, conveying to such purchaser, his legal representatives or assigns the premises so sold and unredeemed as aforesaid. A memorandum of all deeds so made and delivered shall be entered by the comptroller in the book wherein such sales are recorded, and a fee of one dollar may be charged by the comptroller for every deed so issued and recorded; *Provided*, That nothing in this act contained shall be construed to affect or prejudice the lien of the state for all taxes which have been, or may be levied upon such property under the general laws of this state. In case of redemption of property sold as aforesaid, the city treasurer shall notify the person holding the certificate of sale thereof, and that the amount due him thereon is deposited in the city treasury subject to his disposal.

SEC. 26. Such certificate of purchase shall be assignable by endorsement, and an assignment thereof shall vest in the assignee, or his legal representatives, all the right and title of the original purchaser.

SEC. 27. Whenever it shall appear to the satisfaction of the comptroller, before the execution of a deed for any property sold for assessments, that such property was not subject to assessment, or that the assessment had been paid previous to the sale, he shall, with the approval of the city council, make an entry opposite to such property on his record of sales, that the same was sold in error, and such entry shall be evidence of the fact therein stated; and said comptroller shall at once notify the city treasurer, and the purchaser of said property at said sale or the person holding the certificate of sale therefor, and upon the presentation of said certificate to said city treasurer by the owner thereof for cancellation, said city treasurer shall refund to him the amount of money received by him on account thereof.

SEC. 28. All deeds made to purchasers of lots and lands sold for assessments shall be *prima facie* evidence in all actions, controversies and suits in relation to the right of the purchaser, his or her heirs or assigns, to the premises thereby conveyed, of the following facts:

First.—That the land or lot conveyed was subject to said assessment at the time the same was advertised for sale and had been listed and assessed in the time and manner required by law.

Second.—That the assessments were not paid at any time before the sale.

Third.—That the land or lot conveyed had not been redeemed from the sale at the date of the deed.

And shall be conclusive evidence of the following facts :

First.—That the land or lot was advertised for sale in the manner and for the length of time required by law.

Second.—That the land or lot was sold for assessments as stated in said deed.

Third.—That the grantee in said deed was the purchaser.

Fourth.—That the sale was conducted in the manner required by law.

And [in] all actions, controversies and suits involving the title to the lot or land claimed, and held under and by virtue of such deed, the person or persons claiming title adverse to the title conveyed by said deed, shall be required to prove, in order to defeat said title, either that the land or lot was not subject to the assessment at the date of sale; that the assessment had been paid; that the land or lot had never been listed and assessed for assessment; or that the same had been redeemed according to the provisions of this act; and that such redemption was made for the use and benefit of the persons having the right of redemption under the laws of this state; but no person shall be permitted to question the title acquired by said deed, without first showing that he, she or they, or the person under whom he, she or they claim title, had title to the land or lot at the time of sale, or that the title was obtained from the United States or this state after the sale, and that all taxes due upon the lot or land have been paid by such person, or the person under whom he claims title as aforesaid. All deeds referred to in this chapter shall be admitted to record upon the same conditions as to pre-payment of taxes now required by the general laws of this state with respect to other deeds.

SEC. 29. Any change made in the incumbent of the office of the city treasurer, during the pendency of any proceedings in regard to the collection of assessments as aforesaid, shall not operate to affect or delay the same, but the successor or successors in office of said city treasurer, shall do all acts necessary to complete said proceedings the same as if his predecessor had continued in office. In case of a vacancy occurring in said office, said proceedings shall be conducted and prosecuted by the comptroller of said city until such vacancy is filled.

SEC. 30. All sales of property for the non-payment of said assessments shall be made in front of the city hall of said city.

SEC. 31. If any purchaser of lands, lots or other property sold for assessments, shall suffer the same to be again sold for like assessments before the expiration of two years from the date of his or her purchase, such purchaser shall not be entitled to a deed of

the property until the expiration of two years from the date of the second sale; during which time the land, lot, or other property shall be subject to redemption, and the person redeeming shall be required to pay for the use of the purchaser at the first sale, the amount paid for the property, and the amount paid by the second purchaser, for his use, as in other cases, and the amount due on all subsequent assessments and interest on said amounts respectively at the rate of twenty-four per cent. per annum.

SEC. 32. After any real estate shall have been bid in or struck off to the city, said city may enter upon such real estate and take possession thereof, and through or by the city treasurer may rent or lease the same until the rent shall pay the amount due on such special assessment, interest, penalty, costs and accruing costs.

SEC. 33. The city treasurer of said city may at any time before the time of redemption has expired, assign any certificate of sale of property aforesaid, bid in by the city [as] aforesaid, to any person by endorsement thereon after payment by such person in [into] the city treasury of the amount at which the same was so bid in, with interest as hereinbefore provided, costs and accruing costs; and such assignee shall have the same right and title thereunder as if he had purchased the same originally at said sale, and when the right of redemption shall have expired, shall be entitled to a deed as in other cases. Said assignment shall be countersigned by the comptroller, and a minute thereof made opposite the description of the lands thereby conveyed in the records of sales in his office. *Provided*, That if any lot or parcel of land so struck off to said city shall be again sold for like assessment while the city holds its title thereto as aforesaid, the same shall not be sold by said city treasurer as provided in section 34 of this chapter, for less than the amount actually remaining unpaid on the preceding assessments, as well as such subsequent assessment, together with interest at the rate of twenty-four per cent. per annum, costs and accruing costs.

SEC. 34. No assessments of property, or charge for assessments thereon, shall be illegal on account of any irregularity or informality in the assessment rolls, or on account of the assessment rolls not being made, completed or returned within the time or in the manner required by law, or on account of the property having been charged or listed in the assessment list without name, or in any other name than that of the rightful owner or owners; and no error or informality in the proceedings of any of the officers entrusted with the levying and collecting [collection] of special assessments, not affecting the substantial justice of the assessment itself and the substantial rights of the owner of the property affected thereby, shall invalidate or in any way affect said assessment. The reports of the city treasurer and the assessment warrant held by him, referred to in sec-

tion fifteen (15) of this chapter, shall be *prima facie* evidence that the proceedings up to the dates of such warrants were valid and regular; and the certificates of sale issued as provided for in section twenty-three (23) of this chapter shall be *prima facie* evidence of the validity and regularity of all proceedings up to the date of such certificates.

SEC. 35. All provisions of law inconsistent with this act are hereby repealed, but the repeal or amendments herein contained of any law or part thereof, shall not affect any act done or any act [right] accruing, accrued or established, or any assessments or proceedings of the city council of said city, or of other officers or other proceedings ended or pending, and all assessments or other proceedings pending, or unfinished, made or had under the act of which this act is amendatory, shall not abate, but shall continue and conform to and be completed and enforced under the said act of which this is amendatory, unless the city council shall direct the same to be continued, conformed to and be completed and enforced under the provisions of said act as hereby amended, in which case said city council are hereby authorized and empowered to make such changes, alterations and amendments therein as shall be necessary in order that the same may be continued, conformed to, completed and enforced under the provisions of this act, as shall not affect the substantial justice of the assessment or proceedings, or the substantial rights of parties. *Provided*, That the city council may in its discretion revoke and annul any assessment made or proceedings had under the act of which this is amendatory, which shall not have been finally concluded, and may thereupon proceed therein *de novo* under the provisions of this act.

SEC. 36. The city council shall fix the compensation to be paid to the commissioners, and all persons who shall be appointed to perform any of the duties required by this act.

SEC. 37. Any city treasurer or other officer or person, who shall in any case refuse or knowingly neglect to perform any duty enjoined upon him by this chapter, or who shall consent to, or connive at, any evasion of its provisions, whereby any proceedings required by this chapter shall be prevented or hindered, shall, for every such neglect or refusal be liable to said city individually and upon his official bond, for double the amount of loss or damage caused by such neglect or refusal, to be recovered in a civil action in any court having jurisdiction of the amount thereof, and shall also for each and every such offense be guilty of a misdemeanor, and upon conviction thereof shall be punished by fine of not more than one hundred dollars, or imprisonment in the county jail for not more than thirty days, in the discretion of the court trying the same.

SEC. 38. So much of the act to which this act is amendatory, and of any law of this State which in any manner conflicts with the provisions hereof, or the provisions of an act entitled, "an act to establish a municipal court in the city of Minneapolis," approved on the 13th day of February, 1874, is hereby repealed, and all provisions and enactments contained in the act to which this act is amendatory, relating to the election, qualification, authority, powers, jurisdiction and duties of justices of the peace or city justices in and for either and both of the divisions of said city of Minneapolis are hereby repealed, which said repeal shall take effect and be in force from and after the election and qualification of a municipal judge for said city and under the provisions of said act entitled "an act to establish a municipal court in the city of Minneapolis," *provided*, That such repeal shall in no wise exempt or excuse either of the justices of the peace or city justices of said city heretofore elected, from making reports to the city council of said city of all proceedings had by or before said justices prior to the time of such election and qualification of said municipal judge, nor from paying over to the city treasurer any and all fines and penalties collected by them belonging to said city prior thereto, nor from doing and performing any other act, or thing necessary or proper by them to be done or performed in the full and entire performance and completion of the duties of their office.

SEC. 10. This act is a public act, and need not be pleaded or proven in any court in this state.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER III.

AN ACT TO INCORPORATE THE CITY OF WEST ST. PAUL, IN DAKOTA COUNTY.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. All the district of country in the county of Dakota, contained within the limits and boundaries hereinafter described shall be a city by the name of West Saint Paul, and the people

now inhabiting, and those who shall hereinafter inhabit the district of country herein described, shall be a municipal corporation, by the name of the city of West Saint Paul, and shall have the general powers possessed by municipal corporations at the common law, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts of law and equity; and have a common seal and may change and alter the same at pleasure.

SEC. 2. The limits of said city shall be all that district of country on the west side of the Mississippi river, commencing at a point where the section line between section sixteen (16) and section nine (9), town twenty-eight (28), range twenty-two (22) intersect the Mississippi river on the west side, thence running due west along said line, until said line intersects the Mississippi river, thence along down the channel of said river to point of beginning. The said city of West Saint Paul shall be divided into two (2) wards as follows: The first ward shall comprise all that territory east of the centre of Main street beginning at the Mississippi river between Brazille [Bazille] and Robert[s] addition and Marshall[s] addition, running thence south by way of Eaton street in Morrison's and Eaton's addition, to Washington avenue in West Saint Paul proper, thence south on the line of said avenue to the south boundary of said city. All territory west of the lines above described shall be the second ward. Each ward shall be an election precinct.

SEC. 3. There shall be an annual election of elective officers hereinafter provided for, to consist of a mayor, four (4) aldermen (two from each ward), one (1) clerk, one (1) treasurer, one (1) assessor, one (1) justice of the peace, and one (1) constable, on the third Tuesday in March in each and every year, and the polls of said election shall be opened and kept open from nine o'clock in the morning to four o'clock in the afternoon, and the city clerk shall give at least ten days' notice of the time and place of holding the same, together with a list of the officers to be elected, by publishing the same in a newspaper printed in the city, or by posting a printed or written notice in three of the most public places in said city. Like notice shall also be given by the city clerk of any special election. Special elections may be called by a majority of the city council, to fill any vacancy that may arise under this act, or to transact any other lawful business, every notice of which shall specify the object of said election, and no other business shall be transacted at such meeting or election than such as is specified in such notice. All special elections shall be conducted in a similar manner as near as may be, as general elections are by law conducted. The city council shall determine in what manner the judges and clerks

of election shall be appointed and the places of holding elections. At the close of the polls, the votes shall be counted and a true statement thereof proclaimed to the voters present, by one of the judges, and the clerks of election shall then file with the city clerk the statement of the votes cast at such election, and within five days thereafter the city clerk shall give notice in writing to the persons so elected by a plurality of all the votes cast, of their election. All officers shall be elected for one year and until their successors are elected and qualified, except the justice of the peace and constable who shall be elected for two years and until their successors are elected and qualified.

SEC. 4. The first election under the provisions of this act shall be by ballot for the adoption or rejection of this act and shall be held within two weeks after the approval of this act, at such place as the board of supervisors of the township of West St. Paul shall designate, and no person shall be eligible to vote at said election except he be a legal voter and resident within the limits described in section two of this act; and the said board of supervisors shall appoint three judges and two clerks, who, when duly qualified, shall act at said election. The ballots cast at said election shall have printed or written thereon, or partly printed and partly written thereon the words "In favor of act of incorporation, yes," or "In favor of act of incorporation, no." The polls shall be open from nine A. M. till five P. M. When the ballots cast shall have been canvassed the judges of election shall proclaim to the voters present a true statement of the result thereof, and a majority of the votes so cast shall be sufficient to adopt or reject this act, and the clerks of said election shall forthwith file with the board of supervisors of West Saint Paul, the returns of said election.

SEC. 5. After the acceptance of this charter the board of supervisors shall designate the places of election for the first election of officers under this charter in each ward, and shall appoint three judges and two clerks of election for each ward. At the close of the polls the judges of election shall count the votes cast and declare to the voters present a true statement of the votes cast; they shall then deliver a certified copy of their statement to the clerk of the board of supervisors of the town of West Saint Paul, who shall, within four days after the election give notice in writing to the persons so elected by a plurality of the votes cast at said election; *Provided*, That should the said clerk of the board of supervisors fail to perform his duty in this respect, the certificate of the judges of election shall be deemed sufficient. Within ten days after notification by the town clerk all officers elected under the provisions of this act shall qualify as provided in section six of this act.

SEC. 6. The mayor and each alderman, before entering upon the

duties of their office, shall take and subscribe an oath that they will support the constitution of the United States, and the constitution of the state of Minnesota, and that they will well and truly perform the duties of their office to the best of their abilities.

SEC. 7. No person shall be eligible to any office under said corporation unless he is a legal voter in said city, and has resided therein six months next preceding the day of election.

SEC. 8. The city council shall be the judge of the election returns of their own members offices [and officers] of the city, and determine all contested elections.

SEC. 9. A majority of the city council shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

SEC. 10. The city council shall keep a journal of its proceedings, and the ayes and nays shall, on the demand of any member, be entered in the journal.

SEC. 11. No alderman shall be appointed to any office under the authority of the city, which shall have been created, or the emoluments of which shall have been increased during the time for which he shall have been elected, or for six months after such alderman's term of service shall have ceased.

SEC. 12. Whenever there shall be a tie in an election, there shall be a new election ordered in such manner as shall be provided for by ordinance.

SEC. 13. There shall be twelve stated meetings of the city council each year, at such times and places as may be prescribed by ordinance.

SEC. 14. To the mayor shall belong the executive powers and authority granted by this act to said corporation, except such of said powers and authority as are specially vested in, or must from their nature, necessarily pertain to the other executive officers of said corporation. He shall sign all commissions, licenses and permits which may be granted by the city council, and all orders upon the treasurer. He shall maintain peace and good order, and see that the ordinances of the city are observed and executed. He shall have power, and it shall be his duty, to call out and use in such manner as may seem most proper, all the constabulary or police force of said corporation when he may deem it necessary to quell or prevent riot. He shall have power to call a meeting of the city council by giving notice thereof, as may have been provided by ordinance, or in default of such provision, in such manner as he may deem meet and proper. At any legal meeting, in all cases when the votes of the members upon any question are equal, the presiding officer shall have the casting vote. The mayor shall be

the presiding officer of the city council but shall not be entitled to the veto power.

SEC. 15. The mayor shall at all times be active and vigilant in enforcing the laws and ordinances for the government of the city, he shall inspect the conduct of all subordinate officers of said city and cause negligent and persistent violation of duty to be prosecuted and punished; he shall from time to time communicate to the aldermen such information, and recommend all such measures as in his opinion may tend to the improvement of the finances, the police, the health, the security, the comfort and ornaments of the city. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act. He shall also have such jurisdiction as may be vested in him by ordinance of the city, and over all places within five miles of the boundaries of the city, for the purpose of enforcing the health and quarantine ordinances and regulations thereof.

SEC. 16. If any mayor during the time for which he shall have been elected, remove from the city, the office shall be declared vacant.

SEC. 17. In case the mayor shall at any time be guilty of a palpable omission of duty, or shall willfully and corruptly be guilty of oppression, malconduct or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the district court for Dakota county, and on conviction he shall be fined not more than five hundred (500) dollars, and the court shall have power to add to the judgment of the court that he be removed from office.

SEC. 18. Whenever any vacancy shall happen in the office of mayor, it shall be filled by election.

SEC. 19. The clerk shall be the recording officer of the city and of the city council and shall be authorized to administer oaths and affirmations, and take acknowledgments. He shall have custody of the seal (if any) of said corporation, and all the records thereof, not necessarily and specifically appertaining to the other officers thereof. He shall keep a record of the doings of the city council, the passing of by-laws, ordinances, rules, regulations, resolutions, &c; and also a faithful record of all the doings and votes of the inhabitants of said city at their annual and other legal meetings. He shall receive all the moneys payable to said corporation, except as hereinafter provided, and shall immediately pay the same over to the treasurer, charging him therewith and taking his receipt therefor. He shall keep all accounts of the corporation with individuals or otherwise, and keep on file all papers which may be ordered by the city council, receive all claims against said corporation, and draw all orders upon the treasurer for moneys payable by the same, but no such order shall ever be drawn by said clerk unless the same shall be in

full or part payment of a claim against said corporation, previously audited and allowed by the city council. He shall keep a full and accurate account of all orders drawn on the treasurer, and shall keep the same with the treasurer, and charge him with all taxes levied and sums of moneys paid into the treasury, and all receipts of the payment of money or property to the treasurer shall be countersigned by the clerk before they shall be a legal voucher against the city. The clerk's records shall be evidence in all legal proceedings and copies of all papers duly filled [filed] in his office, and transcripts from the records of proceedings of the city council certified by him under the corporate seal, shall be evidence in all courts of the contents of the same. He shall also make to the city council at the close of each official year a condensed report of all his doings as such officer during such year, which report shall be published in such manner and to such extent as may be provided by ordinance, and with all reasonable dispatch, such other reports and at such times as the city council aforesaid may require; and said clerk shall also receive and file and keep record of all chattel mortgages presented to him for such purposes, in the same manner and way as prescribed by law for town clerks, and all chattel mortgages filed [filed] in the office of said clerk shall have the same effect and be noticed to the same extent as chattel mortgages filed in the office of township clerks; and the election districts herein created shall, so far as chattel mortgages are concerned, be construed to mean town or city, and sections two and three and four, chapter thirty-nine, statutes of Minnesota, shall apply to the election districts herein created and mentioned, in [and] the aforesaid clerk shall be governed by the next above named sections in said chapter thirty-nine, in his official duties as to chattel mortgages.

SEC. 20. The treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him. All money raised, received and collected by means of any tax, assessment, license, fine, forfeiture or otherwise under the authority of this act or which belongs to said city, shall be paid to and be received and receipted by him. He shall from such moneys pay upon presentation all orders therefor drawn by the clerk and countersigned by the mayor, but shall pay no money whatever except by order of the city council; *Provided*, That no order shall be paid by him unless first endorsed in writing thereon by the party in whose favor it was drawn and also by the party receiving the money therefor, and the amount of money to be drawn and its object specified therein. He shall keep a just and accurate account of all moneys and other things coming into his hands as treasurer, in a book to be provided by the city council for that purpose, which shall remain the property of the city, wherein he shall enter the

various amounts received, the time of their receipt, from whom received and the source from whence they arose, which book, at all reasonable times, shall be open to the inspection of the electors of said city. He shall as often as the city council require render to said council a minute account of his receipts and payments and exhibit all moneys and vouchers in his possession and at the expiration of his term of office he shall pay over and deliver to his successor all moneys, books and papers, vouchers and other property in his possession belonging to said corporation.

SEC. 21. The justice of the peace provided for and elected under the provisions of this act, shall have and possess all the powers and jurisdiction of justices of the peace provided and elected under the general laws of the state, and in addition thereto shall have cognizance and jurisdiction of all suits, prosecutions or proceedings for the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation of said corporation, or under this act, or for the breach or violation of any such by-law, ordinance or regulation, and in all cases of assaults, batteries and affrays, not indictable, and for a breach or violation of any by-law, ordinance or regulation, shall be commenced in the name of the "City of West Saint Paul," and the same proceedings shall be had in all civil or criminal suits or prosecutions before said justice, when not otherwise herein directed, as are established and required to be had in civil and criminal actions by the general laws of the state, before justices of the peace, except that no change of venue shall be taken in any action or proceeding arising under any ordinance or by laws. All fines, forfeitures and penalties imposed by or recovered before said justice in any suit, prosecution or proceeding commenced in the name of the said city, shall be promptly paid by said justice to the clerk of said corporation for the use thereof. The justice of the peace shall take judicial notice of the by-laws, ordinances and regulations of said corporation, and it shall not be necessary in any action, civil or criminal, before said justice, to plead or refer to the same in any manner whatever, in any pleading or complaint; but said by-laws, ordinances and regulations shall, in said justice's court, be held and deemed to be the public law. The justice of the peace shall, at least once in three months, make to the city council a full report of all the moneys received by him for fines, forfeitures and penalties, and shall pay them into the hands of the clerk, taking his receipt therefor. In case of the inability of the city justice to act in his official capacity, the city council shall appoint, pro tem., from the county of Dakota, or from the city of Saint Paul, a duly qualified justice to take his place. In case of prosecution for a breach or violation of an ordinance, by-law or regulation of said corporation, or of this act, or for an assault, battery or affray, not

indictable, committed within the limits of said corporation, appeal shall be allowed in all cases, subject to the same rules provided by the laws of the state in case of appeal from the judgment of other justices of the peace. All warrants, writs, and processes of every nature, issued by such justice, shall be directed to the marshal, sheriff or any constable of the county of Dakota, and may be executed or served by the constable elected under the provisions of this act, or by the marshal, sheriff or any constable of said county, and for such purpose said marshal, sheriff and constable shall have and possess the power and authority which, by the general laws of the state, they have and possess in the execution and service of warrants, writs and other processes issued by the justices of the peace elected under such general laws. The fees of the justice of the peace shall be the same as allowed and fixed by the general laws of the state for justices of the peace.

SEC. 22. The marshal shall be the ministerial officer of the city council. He shall possess all the powers, enjoy all the rights, and be subject to the same liabilities of a constable of the state. He is hereby constituted the chief of the police of said city, but as such shall be subordinate to the mayor. It shall be his duty to execute all writs and processes to him directed by the mayor, justice of the peace or other judicial officer, and when necessary in criminal cases, or for the violation of any of the provisions of this act, or of any ordinance, rule, by-law, regulation or resolution of said corporation, he may serve the same in any part of the state of Minnesota. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to apprehend all disorderly persons in said city and pursue and arrest any person fleeing from justice in any part of the state of Minnesota; to apprehend any person in the act of committing any offense against the provisions of this act or of the laws of the state, or the ordinances, by-laws, rules, regulations, or resolutions of the corporation and forthwith to bring such person before competent authority for examination, and for such and similar services, he shall receive like fees as are allowed to constables for like services. It shall also be the duty of the marshal to see that all pedlars and hawkers, common showmen and all other exhibitors, pay their licenses according to law and this act and the ordinances of the city, and in default of payment to prosecute for the same in the corporate name of the city, and to pay over the same to the clerk when received by him. The marshal shall also make a report at least once in three months, to the city council of all moneys received by him for whatever purpose.

SEC. 23. The city council shall have the exclusive right to license persons vending, dealing in or disposing of spirituous, vinous, malt or fermented liquors within the limits of said city, and

persons so licensed shall not be required to obtain a license from the board of county commissioners, and shall not be prosecuted for selling, bartering or disposing of spirituous, vinous, malt or fermented liquors, if having first obtained license therefor agreeably to the provisions of chapter sixteen of the general statutes. *Provided*, That no license shall be granted for less than fifty dollars, and that previous to the granting of any such license, a bond shall be executed with the same conditions and with the same penal sum as required by the general act, and the council shall have full power to restrain any person from vending liquors, unless duly licensed by the city council of said city.

SEC. 24. The mayor, each and every alderman, the marshal, each and every justice of the peace and constable of the county in which said city is situated, shall be officers of the peace, and may command the peace, and may suppress in a summary manner all rioting and disorderly behavior within the limits of said city, and may command the assistance of all bystanders, and if need be, of all citizens, and if any person refuses to aid when so required, every such person shall forfeit and pay a fine of not less than five dollars, and stand committed until paid.

SEC. 25. The city council shall have power and authority to levy and collect taxes on all property, real and personal, within the city limits, for general purposes, not exceeding one per cent. per annum, upon the assessed value thereof, according to the actual valuation of the property. *Provided*, That in case of delinquent taxes the same shall be added to the assessment roll and forwarded to the county auditor, to be collected in the same manner as state and county taxes are collected, and to become a lien on the property so delinquent.

SEC. 26. The city council shall constitute a board of equalization for the equalization of all assessments made for general purposes, within the limits of said city; and the assessor of said city shall also be a member of said board. The board shall proceed in manner and form as provided by law for boards of equalization of townships.

SEC. 27. The city council shall have power to appoint a marshal, and such other officers as are actually necessary to carry into effect the ordinances of said city council.

SEC. 28. The city council shall have the power to require of all officers appointed in pursuance of this act, such bond, with penalties and security, for the faithful performance of their respective duties, as may be deemed expedient; and may also require all officers appointed as aforesaid to take an oath for the faithful performance of the duties of their respective offices, before entering upon the same. *Provided*, That the treasurer shall give bonds to

double the amount likely to come into his possession during his term of office, which amount shall be determined by the city council.

SEC. 29. To appropriate money, and provide for the payment of the expenses of the city.

SEC. 30. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose and to enforce the same.

SEC. 31. To establish hospitals, and to make regulations for the government of the same.

SEC. 32. To make regulations to secure the general health of the inhabitants, and to prevent nuisances, and to remove the same.

SEC. 33. To open, alter, abolish, widen, extend, establish, grade, repair, or otherwise improve and keep in repair streets, avenues, lanes and alleys.

SEC. 34. To establish, erect, and keep in repair bridges.

SEC. 35. To provide for the lighting of streets and the erection of lamp posts.

SEC. 36. To establish, support and regulate night watches.

SEC. 37. To erect market houses, establish markets and market places, and provide for the government and regulation thereof.

SEC. 38. To purchase suitable sites, and to erect thereon all needful buildings for the use of the city.

SEC. 39. To provide for the enclosing, improving, and regulating all public grounds belonging to or in the city.

SEC. 40. To preserve and improve the landing on the Mississippi river, within the limits of the city.

SEC. 41. To erect, repair and regulate public wharves and docks.

SEC. 42. To regulate, tax and license venders of ardent spirits, taverns and pedlars.

SEC. 43. To license, tax and regulate hacks, carriages, wagons, carts and drays, and fix the rate to be charged for the carriage of persons, and for the wagonage, drayage and cartage of property.

SEC. 44. To license and regulate porters, and fix the rate of portorage.

SEC. 45. To license, tax and regulate theatrical and other exhibitions, shows and amusements.

SEC. 46. To restrain, prohibit and suppress gaming, bawdy and other disorderly houses.

SEC. 47. To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.

SEC. 48. To regulate and prohibit wooden buildings.

SEC. 49. To regulate fixing of chimneys, stove pipes, and the flues thereof.

SEC. 50. To regulate the storage of gunpowder, tar, pitch, rosin and other combustible articles.

SEC. 51. To regulate and order parapet walls and partition fences.

SEC. 52. To establish standing weights and measures to be used in the city in all cases not otherwise provided for by law.

SEC. 53. To provide for the inspection and measuring of lumber and other building materials, and for the measurement of all kinds of mechanical work.

SEC. 54. To provide for the inspection and weight of hay, and stone coal, the measuring of charcoal, firewood and other fuel to be sold and used in the city.

SEC. 55. To regulate the inspection of butter, lard and other provisions.

SEC. 56. To provide for taking the enumerations of the inhabitants of the city.

SEC. 57. To regulate the election of city officers and provide by ordinance for removing from office any person holding an office created by ordinance.

SEC. 58. To regulate the police of the city, to impose fines, forfeitures and penalties for the breach of any ordinance and provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties.

SEC. 59. To fix the compensation of all city officers and to regulate the fees of jurors, witnesses and others, for services rendered under this act, or any ordinance, except that the city clerk shall receive for his services the sum of three hundred (300) dollars per annum; also, that the mayor and each alderman shall receive fifty (50) dollars per annum, and no greater sum.

SEC. 60. The city council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinance be not repugnant to nor inconsistent with the constitution of the United States and the constitution of this state.

SEC. 61. The style of the ordinances of the city shall be "Be it ordained by the council of the city of West St. Paul."

SEC. 62. All ordinances passed by the city council shall, within one month after they shall have been passed, be published in some newspaper published in the city, and shall not be in force until they shall be published as aforesaid for two weeks, or shall be posted up in three public places in the city for at least two weeks before such ordinance shall be in force.

SEC. 63. All ordinances of the city may be proven by the seal of the corporation, and when printed or published in book or pamphlet form, and purporting to be printed or published by authority of the

corporation, the same shall be received in evidence in all courts or places without further proof.

SEC. 64. When it shall be necessary to take private property for opening, widening or altering any public street, lane, avenue or alley, the corporation shall make just compensation therefor to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested freeholders of the city, to be selected as jurors in justice's courts.

SEC. 65. In the matter of opening, laying out or vacating streets or alleys, and the assessment of damages, the common council shall be governed by and act under the general laws of the state, providing for altering, discontinuing and laying out roads; and appeal may be taken in the same manner to the county commissioners or the district court of the county, as appeals are under the general laws taken from the decisions of township supervisors.

SEC. 66. The cost and expenses of surveying streets, lanes, alleys, sidewalks, sewers, public grounds, pumps, reservoirs, cisterns, and drains and the erection of buildings for city purposes, and of cleansing and repairing the same, and constructing and repairing reservoirs, pumps, cisterns, drains, sewers, street crossings and sidewalks, may be paid out of the general fund; but the expense of opening, building, grading, graveling or paving streets to the center thereof, shall be chargeable to the lots adjoining on such streets, but the cost of erecting sidewalks shall be paid by the owners of the property fronting on such sidewalk.

SEC. 67. Whenever the common council shall deem it actually necessary or two-thirds of the resident owners that are living adjoining such contemplated improvement, shall petition said council in writing, to construct or repair such contemplated improvement in the city, they may notify or require the street commissioner to notify all owners of any lot or lots or parcels of land adjoining such contemplated improvements, to construct or repair the same at his or their own proper expense and charge, within a certain time designated, by delivering to the owners of said lot or lots, or parcel of land, or by publication in a newspaper, printed and published in said city, for no less than two weeks, of a notice to said owners, setting forth what work is to be done and the character of the same, by such owners and the time within which they are required to do the same.

SEC. 68. If such work is not done and the contemplated improvement not built or repaired in the manner and within the time prescribed, the council may order the same to be done by the street commissioner or otherwise at the expense of the lots and parcels of land adjoining said improvements, and said expenses shall be as-

seessed upon such lots and parcels of land so chargeable, by the street commissioner and returned by him to the city council and said assessment so made and returned if approved by the council, shall become a lien upon said lots and parcels of land, as in case of town, county and state taxes.

SEC. 69. Jurors empaneled to inquire into the amount of benefit or damages which shall happen to the owners of property proposed to be taken for opening, widening or altering any street, lane or avenue or alley shall be sworn to that effect, and shall return to the council an inquest in writing signed by each juror.

SEC. 70. In ascertaining the amount of compensation for property taken for opening, widening or altering any street, lane, avenue or alley, the jury shall take into consideration the benefit as well as the injury happening by such opening, widening or altering such street, lane, avenue or alley.

SEC. 71. The city council shall have no power to levy any other tax than is specified in this act, and shall have no power to borrow money or contract debts.

SEC. 72. All contracts for work done under the direction of the city council shall be duly advertised and let to the lowest responsible bidders who shall give good and sufficient security for the faithful performance of their contracts.

SEC. 73. The city council shall cause to be published annually on the first Monday in January a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended.

SEC. 74. All suits, actions and prosecutions instituted, connected with or brought by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of the city of West Saint Paul.

SEC. 75. Appeals shall be allowed from decisions in all cases arising under the provisions of this act or any ordinance passed in pursuance thereof to the district court of Dakota county, and every such appeal shall be taken and granted in the same manner and with like effect as appeals are taken from and granted by justices of the peace to the district court under the laws of this state.

SEC. 76. Whenever the mayor shall absent himself from the city or shall resign, or die, or his office shall be otherwise vacated the board of aldermen shall immediately proceed to elect one of their number president who shall be mayor *pro tem*.

SEC. 77. The board of supervisors of the township of West Saint Paul and the city council elected under the provisions of this act, shall constitute a commission to determine and adjust the liabilities of the city of West Saint Paul to the said township on account of the past indebtedness thereof; which commission shall

meet and determine the same within six months after the adoption of this act.

SEC. 78. It is hereby made the duty of the treasurer of Dakota county to pay all moneys received as taxes on all real estate and personal property within the limits of the city of West Saint Paul, which may come into his hands by virtue of his office, to the city treasurer elected and qualified under the provisions of this act, and to no other officer.

SEC. 79. It is hereby made the duty of the treasurer of the town of West Saint Paul to pay over to the treasurer of the city of West Saint Paul, and take his receipt therefor, all moneys received by him on account of any special law affecting exclusively the territory described within the limits of the city of West Saint Paul, on demand of the city treasurer. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity in this state, without proof.

SEC. 80. No special legislation affecting this city shall become law, until accepted by a majority of the votes cast at an election held for that purpose.

SEC. 81. This act shall take effect from and after its passage and approval, and adoption by the votes cast at an election to be held for that purpose.

Approved February 24, 1874.

CHAPTER IV.

AN ACT TO INCORPORATE THE VILLAGE OF WILLMAR.

Be it enacted by the Legislature of the State of Minnesota :

CHAPTER I.

SECTION 1. That all that part of Kandiyohi county, in the state of Minnesota, embraced within the following boundaries, to-wit: All of section fifteen, the west half of the southwest quarter of section fourteen, the west half of the northwest quarter of section fourteen, the west half of the southwest quarter of section eleven, the south half of section ten, the east half of the northeast quarter of section sixteen, the east half of the southeast quarter of section

sixteen, and lot one of section nine, of township one hundred and nineteen north, of range thirty-five west, as the same is designated upon the plat of the United States government survey, shall be known as the village of Willmar, and the inhabitants thereof shall be and form a municipal corporation, and shall have the powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specially granted, and be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded in all courts of law and equity, and may have a common seal, and may change and alter the same at pleasure, and also take, hold, purchase, lease and convey such real and personal estate within or without the limits thereof as the purposes of the village may require.

SEC. 2. For the purposes of all elections to be held under this act the [said] village shall be divided into three wards as follows, viz.: All that part of said village lying north of the center line of Pacific avenue (in said village) extended easterly and westerly to the east and west lines of said village, shall be and constitute the first ward; and all that part of said village lying south of the said center line of Pacific avenue and west of the center line of Fourth street extended southerly to the south line of said village, shall be and constitute second ward, and all that part of said village not included within the first and second ward shall be and constitute the third ward.

SEC. 3. The elective officers of said corporation shall be one president, two aldermen in each ward, one treasurer, one justice of the peace, and shall each, except the justice of the peace, hold their respective offices for the term of one year, and until their successors are elected and qualified; the justice of the peace shall hold his office for two years. In addition to the above mentioned officers the council shall have power to appoint and define the duties of one recorder, one village attorney, one village marshal, and such other officers as to said council shall seem necessary. *Provided*, That no member of the village council of said village shall hold any other office under the authority of said village, or of this act during the term for which he was elected to said council. *Provided, further*, That the president and members of the village council shall not receive any salary or compensation whatever for services as such officers.

SEC. 4. Each officer before entering upon the duties of his office, and within ten days after receiving notice of his election shall give notice in writing of his acceptance of the same, to the recorder of said village, and shall take and subscribe before some officer by law authorized to administer oaths an oath to support the constitution of the United States, the constitution of the state of Minnesota, and

that he will faithfully perform the duties of his office in accordance with the law and the ordinances of said village, and in addition thereto the treasurer, recorder and marshal shall each give a bond with sufficient sureties to be approved by said council in a sum not less than two hundred dollars, to be determined by said council, conditioned for the faithful performance of the duties of their respective offices, which said bond shall run to the village council of the village of Willmar, and be filed with the recorder thereof. The said justice of the peace shall qualify as prescribed by the general laws of this state, except that the village council shall approve his bond.

Sec. 5. The president and aldermen shall constitute the village council, to which body shall belong all the legislative power granted by this act to said corporation. All acts of the council intended to have the force of law, shall be by ordinance under the style of (Be it ordained by the village council of the village of Willmar) ; but no ordinance shall embrace more than one subject, which shall be expressed by its title. The village council shall meet for the transaction of business at least once in each month, and a majority thereof shall be a quorum. The president, when present, shall preside at all meetings of the council, but in case of his absence, the members present shall choose one of their number to preside during his absence, but no ordinance shall be passed, except by the vote of a majority of all the members of the council. A record in book form shall be kept by the recorder, in which he shall record all the proceedings of the council, and ayes and noes on every ordinance voted upon.

Sec. 6. That to the president shall belong the executive powers granted by this act to said corporation, except such of said powers as are specially vested in, or must from their nature necessarily pertain to the other executive officers of said corporation, and whether said officers are created by this act or by the village council. He shall have power and it shall be his duty to call out and use in such manner as may seem most proper all the police of said corporation when he may deem it necessary to quiet or prevent riot. He shall have power to call a meeting of the council by giving such notice thereof as may have been provided by ordinance, or in default of such provision, in such manner as he may deem meet and proper.

Sec. 7. That the recorder shall be the recording officer of the village, and of the council. He shall have the custody of the seal of said corporation, and all the records thereof, not necessarily and specifically appertaining to the other officers thereof. He shall receive all moneys payable to said corporation, except as hereinafter provided, and shall immediately pay the same over to the treasurer, charging him therewith and taking his receipt therefor. He shall keep all the accounts of the corporation, receive all claims against

the same, and draw orders upon the treasurer for moneys payable by said corporation, but no such order shall ever be drawn by said recorder unless the same shall be in full or part payment of a claim against said corporation, previously audited and allowed by the council. He shall also make to the council at the close of each official year a condensed report of all his doings as such officer during such year, which report shall be published in such manner and to such extent as may be provided by ordinance, and he shall with all reasonable dispatch make such other reports, and at such times as the council shall require.

SEC. 8. That the treasurer shall be the depositary of all moneys belonging to said corporation. He shall from such moneys pay upon presentation all orders therefore drawn by the recorder and countersigned by the president; *Provided*, That no order shall be paid by him unless first endorsed in writing thereon, with the name of the payee thereon, and the party receiving the money therefor.

SEC. 9. The justice of the peace provided for and elected under the provisions of this act shall have and possess all the powers and jurisdiction of justices of the peace, provided for and elected under the general laws of the state; and in addition thereto shall have cognizance and jurisdiction of all suits, prosecutions or proceedings for the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation and in all cases of offenses committed against the same. All prosecutions for assaults, batteries and affrays, not indictable, and for a breach or violation of any by-law, ordinance or regulation shall be commenced in the name of the village of Willmar, and the same proceedings shall be had in all civil and criminal suits or prosecutions before said justice, when not otherwise herein directed, as are established and required to be had in civil and criminal actions by the general laws of the state before justices of the peace, except that no change of venue shall be taken. All fines, forfeitures and penalties imposed by, or recovered before said justice, or any justice residing in the limits of said corporation, in any suit, prosecution or proceeding had before him, shall be promptly paid by such justice to the recorder of said corporation, for the use thereof. The justice of the peace shall take judicial notice of the by-laws, ordinances and regulations of said corporation, and it shall not be necessary in any action, civil or criminal, before said justice, to plead or refer to the same in any manner whatever, in any pleading or complaint, but said by-laws, ordinances and regulations shall in said justice court be held and deemed to be public law. The justice of the peace shall, at least once in three months, make to the council a full report of all moneys received by him for fines, forfeitures and penalties, and shall pay them into the hands of the recorder, taking his receipt therefor.

Any justice of the peace elected in the township of Willmar, under the general laws of the state, and residing within the limits of the corporation, shall have concurrent jurisdiction with the justice of the peace elected under the provisions of this act, and be subject to the same liabilities and restrictions. In case of prosecutions for a breach or violation of an ordinance, by-law or regulation of said corporation, or of this act, or for an assault, battery or affray, not indictable, committed within the limits of said corporation, no appeal shall be allowed, when the judgment or fine imposed, exclusive of costs, is less than ten dollars. The fees of the justice of the peace shall be the same as allowed and fixed by the general laws of the state for justices of the peace. All warrants, writs and processes of every nature, issued by such justice, shall be directed to the sheriff or any constable of the county of Kandiyohi, and may be executed or served by the marshal appointed under the provisions of this act, or by the sheriff or any constable of said county; and for such purpose said marshal shall have and possess the same power and authority which, by the general laws of the state, constables have and possess in the execution or service of warrants, writs and other processes issued by justices of the peace elected under such general law.

SEC. 10. The marshal appointed under provisions of this act shall be the ministerial officer of the council, and shall have and possess all the powers belonging to constables elected under the general laws of the state, and his compensation except as in this section is otherwise provided, shall be fixed by ordinance of the council, and said marshal shall within the said county also have and exercise all the powers and perform all the duties of, and when acting as such, receive the same compensation and be subject to the same liabilities and restrictions as constables elected under the general laws of the state. He shall also be chief of the police force of said village, but as such shall be subordinate to the president.

SEC. 11. There shall be an annual election for the elective officers herein provided for, on the first Tuesday in April in each and every year, and the polls shall be kept open from ten o'clock in the forenoon until four o'clock in the afternoon, and ten days' previous notice shall be given by the recorder of the time and place of holding such election, and of the officers to be elected, by posting a notice thereof in one of the most public places in each of the wards of the village. At the said elections the aldermen shall act as judges of election in their respective wards; and shall appoint a clerk of election, and in case of the absence or inability of either of said aldermen their places shall be supplied by the electors present, and when so supplied the incumbents shall have and possess all the powers of judges of election under the general laws of this state,

and be subject to the liabilities thereof. At the close of the polls the votes shall be canvassed and counted in the same manner as is provided for canvassing and counting votes at general elections; and a list containing the names of the persons voted for, for each office and the number of votes cast for each shall be made and certified under the hands of said judges and clerk, which list shall be sealed up and forthwith delivered by said clerk to the recorder, and at eight o'clock of the same evening the village council shall meet at the recorder's office when said returns shall be opened in their presence, and the said council shall proceed to make a final canvass of said votes, and the president or presiding officer present shall thereupon make a public declaration of the true state thereof.

SEC. 12. Whenever a vacancy shall occur in any elective office, such vacancy shall be filled by a new election which shall be ordered by the village council and notice of the time and place of holding such election shall be given as hereinbefore provided for other elections. Any person elected to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term.

CHAPTER II.

SECTION 1. The village council shall have the management and control of the finances, and all the property of the corporation, and shall also in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, by-laws and regulations for the government and good order of the village, for the suppression of vice and intemperance and for the prevention of crime, as they shall deem expedient. The village council shall have full power and authority to declare and impose fines, penalties and punishments and to enforce the same against any person or persons who may violate any of the provisions of any ordinance, rule, by law or regulation, passed and ordained by them; and all such ordinances, rules, by-laws and regulations are hereby declared to be and have the force of law. *Provided*, That they be not repugnant to the constitution or laws of the United States or of this state and for those purposes shall have authority by ordinances, rules, by-laws or regulations,

First.—To license and regulate the exhibitions of common show men and shows of all kinds, of the exhibitions of caravans, circuses, concerts or theatrical performances, billiard tables, nine or ten pin alleys, bowling saloons, to grant licenses and regulate auctions and auctioneers, taverns, victualing houses and all persons vending or dealing in spirituous, vinous, fermented or malt liquors.

Second.—To restrain and prohibit all descriptions of gambling

and fraudulent devices and practices, and all playing with cards, dice or other games of chance for the purpose of gambling in said village, and to restrain any persons from vending, giving or dealing in spirituous, fermented, vinous or malt liquors, unless duly licensed by the village council.

Third.—To prevent any riots, noise, disturbance and disorderly assemblages in said village, and to provide for the arrest and punishment of any person or persons who shall be guilty of the same, to suppress disorderly houses and houses of ill fame and to provide for the arrest and punishment of the keepers thereof, and to authorize the destruction of all instruments used for the purpose of gaming.

Fourth.—To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome, nauseous house or place to cleanse, remove or abate the same from time to time, as often as may be deemed necessary for the health, comfort and convenience of the inhabitants of said village.

Fifth.—To direct the location and management of slaughter-houses and markets, breweries, distilleries and pawn-brokers.

Sixth.—To prevent the encumbering of streets, sidewalks, lanes, alleys, or public grounds, with carriages, carts, wagons, sleighs, boxes, lumber, fire-wood, posts, awnings or any other material or substances whatever.

Seventh.—To prevent and punish horse-racing, immoderate riding in the streets; to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing in the streets; and to regulate places of bathing and swimming in the waters within the limit of said village.

Eighth.—To restrain the running at large of cattle, horses, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same, and to impose penalties on the owners of such animals for violation of the ordinance.

Ninth.—To prevent the running at large of dogs, and may impose a tax on the same, and to authorize the destruction of the same in a summary manner when at large contrary to ordinance.

Tenth.—To prevent any person from bringing, depositing or having within said village, any putrid carcass, or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or putrid or unsound beef, pork, fish, hides or skins of any kind, and on default, to authorize the removal thereof by some competent officers at the expense of such person or persons.

Eleventh.—To make and establish public pounds, pumps, wells, cisterns, hydrants and reservoirs, and to provide for and control

the erection of waterworks for the supply of water to the inhabitants.

Twelfth.—To establish and regulate boards of health, and provide hospitals and hospital grounds.

Thirteenth.—To prevent all persons riding or driving any ox, or mule, cattle, or other animal on the sidewalks in such village, or in any way doing damages to such sidewalks.

Fourteenth.—To prevent the shooting of firearms or crackers, and to prevent the exhibition of any fireworks in any situation which may be considered by the council dangerous to the town, or any property therein, or annoying any citizen thereof.

Fifteenth.—To prevent drunkenness and obscenity in the streets or public places of said village, and to provide for the arrest and punishment of all persons who shall be guilty of the same.

Sixteenth.—To license and regulate butchers' stalls, shops and stands for the sale of game, poultry, butchers' meat, butter, fish and other provisions.

Seventeenth.—To regulate the place and manner of weighing of hay and selling the same, and measuring of and selling firewood, coal and lime, and to appoint suitable persons to superintend and conduct the same.

Eighteenth.—To compel the owner or occupant of buildings or grounds to remove snow, dirt or rubbish from the sidewalk, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct; and in his default, to authorize the removal or destruction thereof by some officer of the village, at the expense of such owner or occupant.

Nineteenth.—To provide for watchmen and to prescribe their numbers and duties, and regulate the same, and to create and establish the police of said village, and to prescribe the number of police officers and their duties, and to regulate the same, to prevent the dangerous construction, placing or continuance of chimneys, fireplaces, stovepipes or any pipes or instruments for the conducting of fire, heat or smoke, ovens, boilers or appurtenances, and to cause the same to be removed or to be made secure, and to prosecute any person depositing ashes in any unsafe place, and to prevent the carrying on of any kind of business or manufactory dangerous, in causing and promoting fires, or what might be dangerous to the health of the people of said village.

Twentieth.—To provide by ordinance for a standard of weights and measures, for appointment of a village sealer, and to require all weights and measures to be sealed by the village sealer, and to provide for the punishment of the use of false weights and measures.

Twenty-first.—To direct and regulate the planting and preserving ornamental trees in the streets and public grounds.

Twenty-second.—To remove and abate any nuisance, obstructions, encroachment upon the streets, alleys, public grounds and highways of the village.

Twenty-third.—To do all acts and make all regulations which may be necessary or expedient for the preservation of health, and the suppression of disease and to make regulations to prevent the introduction of contagious or infectious disease into the village and to make quarantine laws and to enforce the same within the village.

Twenty-fourth.—To restrain and punish mendicants, street beggars and prostitutes.

Twenty-fifth.—Fines, penalties and punishments imposed by the council for the breach of any ordinance, by-law or regulation of said village may extend to a fine not exceeding one hundred dollars and imprisonment not exceeding thirty days, or both, at the discretion of the justice; and offenders against the same may be required to give security for their good behavior, and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars.

SEC. 2. All ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the council by ayes and noes, and published at least once in the official paper before the same shall be in force, and shall be admitted as evidence in any court of the state, without further proof, and shall be recorded by the recorder in books to be provided for that purpose.

SEC. 3. The power conferred upon the council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions, or proceedings in the courts according to law; gambling houses, houses of ill-fame, disorderly taverns and houses [or places] where spirituous, vinous, fermented or malt liquors are sold without license required therefor, within the limits of said village, are hereby declared and shall be deemed public or common nuisances.

SEC. 4. The council shall examine, audit and adjust the accounts of the recorder, treasurer, justice, and all other officers and agents of the village, at such times as they may deem proper, and also at the end of each year, and before the term for which the officers of said village were elected or appointed shall have expired; and the council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said council in discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts, or present his books and vouchers to said council, or a committee thereof, it shall be the duty of the council to declare the office of such person vacant, and the council shall order suits and

proceedings at law against any officer or agent of said village who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

CHAPTER III.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the village.

SEC. 2. In all prosecutions for any violations of this act, or of any ordinance of the village, the first process shall be by warrant; *Provided*, That no warrant shall be necessary in any case of the arrest or apprehension of any person or persons while in the act of violating any law of the state of Minnesota, or ordinance of the village, but the person or persons so arrested may be proceeded against, tried, convicted and punished, or discharged, in the same manner as if arrest had been by warrant.

SEC. 3. The marshal and other police officers are hereby vested with all the powers of a sheriff or constable in the service of writs as granted to them by the law of the state. and pursue into any county in this state and take and bring back for trial any offender against the ordinances of said village.

SEC. 4. When any suit or action shall be commenced against said village, the service therein shall be made by copy upon the recorder of the village.

SEC. 5. No law of this state contravening the provisions of this act, shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

SEC. 6. The sale of intoxicating, vinous, spirituous, malt or fermented liquors, within the limits of said village, is hereby declared to be under the exclusive control of the council of said village, and all fines imposed for violation of any ordinance regulating such traffic, shall be paid into the treasury of the village for the use thereof. *Provided*, That all moneys collected from residents of said village for county licenses for the year 1874 shall be paid into the treasury of said village by the county treasurer except such parts thereof as is proportional to the part of said year which may have expired prior to the passage of this act.

SEC. 7. The council shall have the power and authority to open, lay out or vacate streets and alleys within the limits of said village, which is conferred by the general laws of the state upon the boards of supervisors of townships to open, alter, discontinue or lay out roads, and in the matter of opening, laying out or vacating streets

or alleys, and the assessment of damages, the council shall be governed by and act under the general laws of the state providing for altering, discontinuing and laying out roads; and appeals may be taken in the same manner as appeals are under the general laws taken from decisions of township supervisors.

SEC. 8. The cost and expense of building, grading, paving or repairing sidewalks, shall be at the option of the council, chargeable to the lot fronting on said improvements whenever the council shall deem it necessary to construct or repair any sidewalk in the village of Willmar they may require the street commissioner to notify all owners and occupants of any lot or lots or parcel of land adjoining such sidewalks, to construct or repair the same at his or their own proper expense and charge, within a certain time designated, by delivering to the owners or occupants of said lot or lots or parcels of land, or by the publication in a newspaper printed and published in said village, for not less than two weeks, of a notice to said owner or occupants, setting forth what work is to be done, and the character of the same, by such owners or occupants, and the time within which they are required to do the same.

SEC. 9. If such work is not done and the sidewalks not built or repaired in the manner and within the time prescribed, the council may order the same to be done by the street commissioner at the expense of the lots or parcels of land adjoining said sidewalks, and said expense shall be assessed upon such lots and parcels of land so chargeable, by the street commissioner, and returned by him to the council; and such assessment so made and returned, if approved by the council, shall become a lien upon said lots and parcels of land, as in case of town, county and state taxes.

SEC. 10. If said assessment be not paid to the street commissioner of the village on or before the twentieth day of August in any year, the village council shall cause a statement of the same to be transmitted with the village taxes levied for that year to the auditor of the county of Kandiyohi on or before the first day of September in each year, and the said auditor shall insert the same with the other taxes in the duplicate statement of taxes annually transmitted by him to the county treasurer for collection and payment thereof enforced with and in like manner as county and state taxes are collected and payment enforced.

SEC. 11. The village council may perscribe the width of sidewalks and may establish different widths in different locations, and may determine the kind of material of which they shall be constructed, having regard to the business and amount of travel in the vicinity of each.

SEC. 12. All property, real and personal, in the village, except such as may be exempt by the laws of this state, or is village

property, shall be subject to taxation not exceeding one mill on the dollar per year for general purposes; such property shall also be liable for such special taxes as the village council are herein authorized to levy.

SEC. 13. The village council shall have power to order and direct the levy and collection, within the limitation prescribed by law, of taxes sufficient to give full effect to the powers herein conferred.

SEC. 14. The village council shall have power to provide by ordinance for the manner of assessing and enforcing the collection of all taxes levied under the provisions of this act, but until express provision is made in regard to that subject, all taxes shall be collected as follows: the recorder shall deliver to the county auditor of Kandiyohi county a certificate signed by him under the seal of the corporation, setting forth the amount levied upon every dollar in value of the taxable property within the limits of the village of Willmar, as incorporated by this act, it thereupon shall become the duty of the said auditor to add the amount thus levied to the assessment roll of the year in which such levy was made, and it shall become the duty of the county treasurer of said county to collect the amount thus added to the assessment roll, and to enforce the collection of the same in like manner as any other tax of the said county of Kandiyohi, placed in his hands for collection, and to pay the amount so collected to the treasurer of the village of Willmar, incorporated by this act.

SEC. 15. In any action brought to recover any penalty or damages under this act, or under any ordinance made by the village council, it shall be sufficient to complain that the defendant is indebted to the village to the amount of said penalty or damages, and to refer to the act or ordinance under which the same is claimed, and to give the special matter in evidence under it. All civil cases shall be under control and direction of the village council; they shall have power to settle, compromise, or prosecute all such actions on the part of the village, when said village shall be a party, or be interested in such actions, and no person shall be incompetent as a juror by reason of being an inhabitant of said village in an action to which the village shall be a party.

SEC. 16. In all respects not herein provided for, said village shall be and continue a part of the township of Willmar. *Provided*, That the village council shall have power to assess a poll tax upon each and every male inhabitant thereof of the age of twenty one and under the age of fifty years, of an amount not to exceed three dollars in each year, which said tax when paid, shall be in lieu of all poll taxes now authorized to be levied by town supervisors for road purposes.

SEC. 17. The corporation is invested with all powers to carry into full force and effect all and every part of this act and to carry into execution the same; shall have power to pass and ordain all and every ordinance necessary to carry out fully the meaning and intent thereof.

SEC. 18. The officers of said village shall be A. B. Robbins, president; J. W. Burdick and C. W. Moore, aldermen for first ward; T. S. Shedd and C. C. Spottswood, aldermen for second ward; John Moore and A. B. Hanscom, aldermen for third ward; John H. Brown, village attorney; A. N. Lewis, village treasurer; A. F. Nordin, village recorder; H. H. Johnson, village marshal; R. M. Johnson, justice of the peace, who shall immediately qualify and enter upon their duties of their respective offices, and hold said offices until the first Tuesday in April, 1874, and until their successors are elected and qualified.

SEC. 19. This act shall take effect and be in force from and after its passage.

Approved January 16, 1874.

CHAPTER V.

AN ACT TO INCORPORATE THE VILLAGE OF CANNON FALLS.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That all the territory embraced in the following boundaries, to-wit: All of section eighteen and the south half of section seven, in township number one hundred and twelve north, of range number seventeen west, shall be known as the village of Cannon Falls, and shall have the powers generally possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specially granted; and be capable of contracting and be contracted with, suing and being sued, pleading and being impleaded in all courts of law and equity, and may have a common seal, and may change and alter the same at pleasure, and also take, hold, purchase, lease and convey such real and personal estate within or without the limits thereof as the purposes of the village may require.

SEC. 2. The elective officers of said corporation shall be one

president, one recorder, three councillors, one treasurer, one justice of the peace and one constable, and shall each, except the justice of the peace and councillors, hold their respective offices for the term of one year and until their successors are elected and qualified. The justice of the peace shall hold his office for the term of two years and until his successor shall be elected and qualified. The councillors shall each hold their respective offices for the term of three years and until their successors shall be elected and qualified. *Provided*, That at the first election under the provisions of this act, one councillor shall be elected to serve for the term of one year, one councillor shall be elected to serve for two years, and one councillor shall be elected to serve for three years, and there shall be elected one councillor at each annual election thereafter to serve for three years, as hereinbefore provided. In addition to the above mentioned officers, the common council shall have the power to appoint and define the duties of such other officers as the said common council may deem necessary. *Provided*, That when a member of the common council holds any appointed office, he shall not vote upon any question involving his action as such appointed officer.

SEC. 3. Each officer, before entering upon the duties of his office, and within ten days after receiving notice of his election, shall give notice in writing of his acceptance of the same, to the recorder of said village, and shall take and subscribe before some officer by law authorized to administer oaths, an oath of office, to support the constitution of the United States, the constitution of the state of Minnesota, and that he will faithfully perform the duties of his office in accordance with the law and the ordinances of said village. And in addition thereto, the treasurer, recorder, justice of the peace and constable shall each give bond in the sum of not less than two hundred dollars, to be determined by said council, conditioned for the faithful performance of the duties of their respective offices, which bond shall be filed with the recorder of said village.

SEC. 4. No elective officer shall receive compensation except the recorder, constable and justice of the peace, and in all cases compensation shall be fixed by the by-laws, except the justice of the peace, which is fixed by statute law.

SEC. 5. That the president, recorder and councillors shall constitute the common council, to which body shall belong all the legislative powers granted by this act to said corporation. All actions of the council intended to have the force of rules, or law, or authority for contract, shall be by ordinance under the style of "Be it ordained by the common council of the village of Cannon Falls," but no ordinance shall embrace more than one subject, which shall be expressed by its title. The common council shall meet for the transaction of business at least once in three months, and a majority

thereof shall be a quorum for the transaction of any business. The president, when present, shall preside at all meetings of the common council; but in case of his absence, the members present shall choose one of their number to preside during his absence, but no ordinance shall be passed except by a majority of all the members of the common council. A record, in book form, shall be kept by the recorder in which he shall record all the proceedings of the common council, and ayes and noes on every ordinance voted upon shall be entered therein.

SEC. 6. That to the president shall belong the executive powers granted by this act to said corporation, except such of said powers as are especially vested in, or must, from their nature necessarily pertain to the other executive officers of said corporation, and whether said officers are created by this act or by the common council. He shall have power and it shall be his duty to call out and use in such manner as may seem most proper, all constabulary or police of said corporation, when he may deem it necessary to quiet or prevent riot. He shall have the power to call a meeting of the council by giving such notice thereof as may have been provided by ordinance, or in default of such provision, in such manner as he may deem meet and proper.

SEC. 7. That the recorder shall be the recording officer of the village, and of the common council. He shall have the custody of the seal of said corporation, and all the records thereof not necessarily and specially [specifically] appertaining to the other officers thereof. He shall receive all moneys payable to said corporation, except as hereinafter provided, and shall immediately pay the same over to the treasurer, charging him therewith, and taking his receipt therefor. He shall keep all the accounts of the corporation, receive all claims against the same, and draw orders upon the treasurer for moneys payable by said corporation, but no such order shall even [ever] be drawn by said recorder, unless the same shall be in full or part payment of a claim against said corporation, previously audited and allowed by the common council. He shall also make to the common council at the close of each official year, a condensed report of all his doings as such officer during such year, which report shall be published in such manner and to such extent as may be provided by ordinance, and he shall with all reasonable dispatch make such other reports, and at such times as the common council may require.

SEC. 8. That the treasurer shall be the depository of all moneys belonging to said corporation. He shall from such moneys pay upon presentation, all orders therefor, drawn by the recorder and countersigned by the president; *Provided*, That no order shall be paid by him unless first endorsed in writing thereon, with the name of the payee thereon and the party receiving the money therefor.

SEC. 9. The justice of the peace provided for and elected under the provisions of this act, shall have and possess all the powers and jurisdiction of justices of the peace provided and elected under the general laws of the state, and in addition thereto, shall have cognizance and jurisdiction of all suits, prosecutions or proceedings for the recovery of any fine, forfeiture or penalty, under any by-law, ordinance or regulation of said corporation, or under this act, or for any breach or violation of any such by-law, ordinance or regulation, and in all cases of assaults, batteries and affrays not indictable, and for a breach or violation of any by-law, ordinance or regulation, suit shall be commenced in the name of the village of Cannon Falls, and the same proceeding shall be had in all civil and criminal suits or prosecutions, before said justice when not otherwise herein directed, as are established and required to be had in civil and criminal actions by the general laws of the state before justices of the peace, except that no change of venue shall be taken. All fines, forfeitures and penalties imposed by, or recovered before said justice of the peace in any suit, prosecution or proceeding had and commenced in the name of said village, shall be promptly paid by said justice of the peace to the recorder of said corporation, for the use thereof. The justice of the peace shall take judicial notice of the by-laws, ordinances and regulations of said corporation, and it shall not be necessary in any action, civil or criminal, before said justice, to plead or refer to the same in any manner whatever, in any pleading or complaint, but said by-laws, ordinances and regulations shall in said justice court be held and deemed to be public law. The justice of the peace shall at least once in three months make to the common council a full report of all moneys received by him for fines, forfeitures and penalties, and shall pay them into the hands of the recorder, taking his receipt therefor. Any justice of the peace elected or appointed in the village of Cannon Falls under the general laws of the state and residing within the limits of the corporation, upon filing the bond and oath of office hereinbefore prescribed for the justices of the peace, shall have concurrent jurisdiction with the justice of the peace elected under the provisions of this act, and be subject to the same liabilities and restrictions. In case of prosecutions for a breach or violation of an ordinance, by-law or regulation of said corporation, or of this act, or for any assault, battery or affray, not indictable, committed within the limits of said corporation, no appeal shall be allowed when the judgment or fine imposed, exclusive of costs, is less than ten dollars. The fees of the justice of the peace shall be the same as allowed and fixed by the general laws of the state for justices of the peace. All warrants, writs and processes of every nature, issued by such justice, shall be directed to the sheriff or any constable of the county of Goodhue, and may

be executed or served by the constable elected under the provisions of this act, or by the sheriff or any constable of said county, and for such purpose said sheriff and constables shall have and possess the power and authority which by the general laws of the state they have and possess in the execution or service of warrants, writs and other processes issued by justices of the peace elected under such general laws.

SEC. 10. The constable elected under the provisions of this act, shall be the ministerial officer of the council, and shall have and possess all the powers belonging to the constables elected under the general laws of the state, and his compensation, except as in this act is otherwise provided, shall be fixed by ordinance of the council; and said constable shall within the county in which he resides, also have and exercise all the powers, and perform all the duties of, and when acting as such, receive the same compensation as constables elected under the general laws of the state. He shall also be chief of the police force of said village, but as such shall be subordinate to the president.

SEC. 11. There shall be an annual election for elective officers herein provided for, on the first Monday in April in each and every year, and the polls shall be kept open from ten o'clock in the forenoon until four in the afternoon, and ten days previous notice shall be given by the common council of the time and place of holding such election and the officers to be elected, by posting notices thereof in three of the most public places in the village. At the said election the councillors or any two of them, shall act as judges of election, and the recorder as clerk of election, and in case of inability or non-attendance of any of said officers, the vacancies shall be filled by an appointment made by those officers present. At the close of the polls the votes shall be counted, and a true statement thereof proclaimed to the voters present by one of the judges, and the recorder shall make a true record thereof, and within five days thereafter, he shall give notice in writing to the persons so elected of their election. The first election under the provisions of this act shall be held on the first Monday in April, A. D. one thousand eight hundred and seventy-four, and shall be conducted by George West, W. P. Tanner and Charles Parks, with power of appointment and substitution in case of absence.

SEC. 12. Whenever a vacancy shall occur in any elective office, such vacancy shall be filled by a new election, which shall be ordered by the common council, and notice of the time and place of holding such election shall be given as hereinbefore provided for other elections. Any person elected to fill a vacancy shall hold the office and discharge the duties thereof for the unexpired term.

CHAPTER II.

SECTION 1. The common council shall have the management and control of the finances and all the property of the corporation, and shall also in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, by-laws and regulations for government and good order of the village, for the suppression of vice and intemperance and for the prevention of crime, as they shall deem expedient. The common council shall have full power and authority to declare and impose fines, penalties and punishments, and to enforce the same against any person or persons who may violate any of the provisions of any ordinance, rule, by law or regulation passed and ordained by them; and all such ordinances, rules, by-laws and regulations are hereby declared to be and have the full force of law. *Provided*, That they be not repugnant to the constitution of the United States or of this state, and for those purposes shall have authority by ordinances, rules, by-laws and regulations,

First.—To license and regulate the exhibitions of common showmen and shows of all kinds, or the exhibitions of caravans, circuses, concerts or theatrical performances, billiard tables, nine or ten pin alleys, bowling saloons, to grant licenses and regulate auctions and auctioneers, groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors.

Second.—To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice, or other games of chance, for the purpose of gaming in said village, and to restrain any persons from vending, giving or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council.

Third.—To prevent any riots, noise, or disturbance and any disorderly assemblages in said village, and to provide for the arrest and punishment of any person or persons who shall be guilty of the same, to suppress disorderly houses or groceries, and houses of ill-fame, and to provide for the arrest and punishment of all keepers thereof, and to authorize the destruction of all instruments used for the purpose of gaming.

Fourth.—To compel the owner or occupant of any grocery, cellar, hallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time as often as may be deemed necessary for the health, comfort and convenience of the inhabitants of said village.

Fifth.—To direct the location and management of slaughter houses and markets, breweries, distilleries and pawnbrokers.

Sixth.—To prevent the encumbering of streets, sidewalks, lanes, alleys or public grounds, with carriages, carts, wagons, sleighs, boxes, lumber, firewood, posts, awnings, or any other materials or substances whatsoever.

Seventh.—To prevent and punish horse racing, immoderate riding or driving in the streets, to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing in the streets; and to regulate places of bathing and swimming in the waters within the limits of said village.

Eighth.—To restrain the running at large of cattle, horses, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same, and to impose penalties on the owners of such animals for violation of the ordinances.

Ninth.—To prevent the running at large of dogs, and may impose a tax on the same, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinance.

Tenth.—To prevent any person from bringing, depositing, or having within said village, any putrid carcase, or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any substance, or putrid or unsound beef, pork, fish, hides or skins of any kind, and in default to authorize the removal thereof by some competent officers, at the expense of such person or persons.

Eleventh.—To make and establish public pounds, pumps, wells, cisterns, hydrants and reservoirs, and to provide for and control the erection of waterworks for the supply of water to the inhabitants.

Twelfth.—To establish and regulate boards of health, and provide hospitals and hospital grounds.

Thirteenth.—To prevent all persons riding or driving any ox, mule, cattle, or other animal on the sidewalks in said village, or in any way doing any damage to such sidewalks.

Fourteenth.—To prevent the carrying of concealed weapons, to prevent the shooting of firearms or crackers, and to prevent the exhibition of any fireworks in any situation which may be considered by the council dangerous to the town, or any property therein, or annoying any citizen thereof.

Fifteenth.—To prevent the dangerous construction or placing of chimneys, fireplaces or stovepipes, or any pipe or instruments for the construction of fire, heat or smoke, open boilers or appurtenances, and to cause the same to be made secure or removed, and to prosecute for the deposit of ashes in any unsafe place, and to regulate the carrying on of manufactories dangerous in causing or promoting fires, and to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared

appurtenances to the real estate, and exempt from seizure, distress or sale in any manner, and if the owners shall neglect or refuse to procure suitable ladders or firebuckets after reasonable notice, the councillors may procure and deliver the same to him, and in default of payment therefor, may recover of such owner the value of such ladder or firebuckets, or both, with costs of suit.

Sixteenth.—They may erect or rent suitable buildings for village purposes and keep the same in repairs.

Seventeenth.—They shall have power to purchase fire engines and other fire apparatus, to organize fire, hose, hook and ladder companies, and to provide for the support and regulation thereof, and to order such companies to be discharged and the apparatus to be delivered up to the common council or their duly authorized agents, they may appoint a chief engineer to take charge of the fire department, fire wardens to inspect chimneys and all places dangerous on account of fire, and perform such duties as may be prescribed by law—firemen and other officers of said companies—and they shall have power individually to compel citizens to work at fires and make and regulate fines for refusing to work at such fires, and members of all hook and ladder, engine and fire companies shall be exempt from serving on juries so long as they shall continue active members of such companies.

Eighteenth.—To prevent open or notorious drunkenness and obscenity in the streets or public places of said village, and to provide for the arrest and punishment of all persons who shall be guilty of the same.

Nineteenth.—To license and regulate butchers' stalls, shops and stands for the sale of game, poultry, butcher's meat, butter, fish and other provisions.

Twentieth.—To regulate the place and manner of weighing hay and selling the same, and the measuring of and selling of firewood, coal and lime, and to appoint suitable persons to superintend and conduct the same.

Twenty-first.—To compel the owner or occupant of buildings or grounds to remove snow, dirt or rubbish from the sidewalk, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct; and in his default, to authorize the removal or destruction thereof by some officer of the village, at the expense of such owner or occupant.

Twenty-second.—To provide watchmen, and to prescribe their numbers and duties, and regulate the same, and to prescribe the number of police officers and their duties, and to regulate the same, and to provide special police for special occasions.

Twenty-third.—To provide by ordinance for a standard of weights

and measures, for appointment of a village sealer, and to require all weights and measures to be sealed by the village sealer, and to provide for the punishment of the use of false weights and measures.

Twenty-fourth.—To direct and regulate the planting and preserving of ornamental trees in the streets and public grounds.

Twenty-fifth.—To remove and abate any nuisance injurious to the public health, and to provide for the punishment of all persons who shall cause or maintain such nuisances.

Twenty-sixth.—To remove and abate any nuisance, obstruction, encroachment upon the streets, alleys, public grounds and highways of the village.

Twenty-seventh.—To do all acts and make all regulations which may be necessary or expedient for the preservation of health, and the suppression of disease, and to make regulations to prevent the introduction of contagious or infectious diseases into the village, and to make quarantine laws and to enforce the same within the village.

Twenty-eighth.—To restrain and punish mendicants, street baggards and prostitutes.

Twenty-ninth.—To lay out, alter, open, widen, extend, establish, grade, repair, or otherwise improve or keep in repair streets, alleys, commons, sidewalks, ditches, sewers, and public grounds, and they may establish and record with the recorder, grade of streets or sidewalks with which buildings and directions shall conform.

Thirtieth.—Fines, penalties and punishments imposed by the common council for the breach of any ordinance, by-law or regulation of said village, may extend to a fine not exceeding one hundred dollars, and imprisonment not exceeding thirty days, or both, and to be fed on bread and water at the discretion of the justice; and offenders against the same may be required to give security for their good behavior, and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars.

SECTION 2. All ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the common council, by ayes and noes, and any ordinance, regulation, resolution, rule or by-law imposing any penalty or forfeiture for the violation of its provisions, shall be published one week in some newspaper in the village, if there be one, and if no such paper be published in the village, then the same shall be posted up, either in writing or print, in three or more public places in the village for one week before the same shall be in force, except as hereinafter provided, and proof of such publication, by affidavit of the printer or foreman in the office of such newspaper, or by producing a copy of such newspaper containing such publication, or by affidavit of the clerk or other person who posted the same, shall be conclusive evidence of the publication, promulgation or posting of such ordinance, rule, reg-

ulation, resolution or by-law, in all courts and places, and within ten days after such publication or posting, they, with said affidavit, shall be recorded by the recorder of the village in books to be provided for that purpose, which record shall also be conclusive evidence of such publication, posting or passage of such rule, regulation, resolution, by-law or ordinance in all courts and places.

SEC. 3. The power conferred upon the common council, to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous, or fermented liquors are sold without license required therefor within the limits of said village, are hereby declared and shall be deemed public or common nuisances.

SEC. 4. The council shall examine, audit and adjust the accounts of the recorder, treasurer, justice, and all other officers and agents of the town, at such times as they may deem proper, and also at the end of the year, and before the term for which the officers of said village were elected or appointed shall have expired. And the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers, for such examination and settlement; and if any such officer or agent shall refuse to comply with the officers of said council in discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts, or present his books and vouchers to said council, or a committee thereof, it shall be the duty of the common council to declare the office of such person vacant, and the common council shall order suits and proceedings at law against any officer or agent of said village, who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements or adjustments.

CHAPTER III.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the village.

SEC. 2. In all prosecutions for any violation of this act, or of any ordinance of the village, the first process shall be by warrant. *Provided*, That no warrant shall be necessary in any case of arrest or apprehension of any person or persons while in the act of violating any law of the state of Minnesota, or ordinance of the village, but the person or persons so arrested may be proceeded against, tried, convicted and punished, or discharged, in the same manner as if the arrest had been by warrant.

SEC. 3. The president, each and every councilman, the marshal, each and every justice of the peace and constable of the county in which said village is situated, shall be officers of the peace, and may command the peace, and may suppress in a summary manner all rioting and disorderly behavior within the limits of said village, and may command the assistance of all bystanders, and if need be, of all citizens, and if any person refuses to aid when so required, every such person shall forfeit and pay a fine of not less than five dollars, and stand committed until paid.

SEC. 4. The constable and other police officers are hereby vested with all the powers of a sheriff or constable, in the service of writs as granted them by the law of the state, and may pursue into any county in this state, and take and bring back for trial any offender against the ordinances of said village.

SEC. 5. When any suit or action shall be commenced against said village, the service therein shall be made by copy left with the recorder of said village.

SEC. 6. No law of this state contravening the provisions of this act, shall be considered as repealing, amending or modifying the same unless such purpose be expressly set forth in such law.

SEC. 7. The sale of intoxicating, vinous, spirituous, malt or fermented liquors, within the limits of said village, is hereby declared to be under the exclusive control of the common council of said village, and all fines imposed for violation of any ordinance regulating such traffic, shall be paid into the treasury of the village for the use thereof.

SEC. 8. All taxes arising in any way from the sale of licenses for the sale of spirituous, vinous or intoxicating liquors, shall be applied for the general village purposes.

SEC. 9. The common council shall have the power and authority to open, lay out or vacate streets and alleys within the limits of said village, which is conferred by the general laws of the state upon boards of supervisors of townships, to open, alter, discontinue or lay out roads, and in the matter of opening, laying out or vacating streets or alleys, and the assessments of damages, the common council shall be governed by and act under the general laws of the state providing for altering, discontinuing and laying out roads; and appeals may be taken in the same manner to the county commissioners, as appeals are under the general laws taken from the decisions of township supervisors.

SEC. 10. The cost and expense of building, grading, paving or repairing sidewalks, shall be at the option of the common council, chargeable to the lots fronting on said improvement. Whenever the common council shall deem it necessary to construct or repair any sidewalk in the village of Cannon Falls, they may require the street com-

missioner to notify all owners and occupants of any lot or lots or parcels of land adjoining such sidewalks, to construct or repair the same at his or their own proper expense and charge, within a certain time designated, by delivering to the owners or occupants of said lot or lots or parcels of land, or by publication in a newspaper printed and published in said village, for not less than two weeks, or by posting up a notice in three public places in said village, for not less than two weeks, setting forth what work is to be done, and the character of the same, by such owners or occupants, and the time within which they are required to do the same.

SEC. 11. If such work is not done and the sidewalks not built or repaired in the manner and within the time prescribed, the common council may order the same to be done by the street commissioner, at the expense of the lots or parcels of land adjoining said sidewalks, and said expenses shall be assessed upon such lots and parcels of lands so chargeable, by the street commissioner, and returned by him to the common council. And said assessment so made and returned, if approved by the common council, shall become a lien upon said lots and parcels of land, as in case of town, county and state taxes.

SEC. 12. If said assessment be not paid to the street commissioner of the village on or before the twentieth day of August in any year, the common council shall cause a statement of the same to be transmitted with the village taxes levied for that year to the auditor of the county of Goodhue, on or before the first day of September in each year, and the said auditor shall insert the same with the other taxes in the duplicate statement of taxes annually transmitted by him to the county treasurer for collection and payment thereof, enforced with and in like manner as county and state taxes are collected and enforced.

SEC. 13. The common council may prescribe the width of sidewalks, and may establish different widths in different localities and may determine the kind of material of which they shall be constructed, having regard to the business and amount of travel in the vicinity of each.

SEC. 14. All work of the village, when the amount thereof is over ten dollars, except the highway taxes, shall be let by contract to the lowest bidder, and the common council may require a bond, with sureties, to be approved by them, for the faithful performance of the contract, not less than ten days' notice shall be given of the letting of the contract by posting of notices by the recorder in three public places in the village, to be signed by the president, and also filing said notice with the recorder at the same time.

SEC. 15. For the purpose of more effectually enabling the said village to carry into effect the provisions of this act, they are hereby

empowered and authorized to assess a tax for corporation purposes, within the limits of said corporation, made taxable by the laws of this state, so that said tax shall not exceed in any one year five mills on the dollar of valuation, as the same may be found on the books of the county auditor of the county within which said village may be located at the time of assessing said tax. The village shall have the power, if authorized to do so by a majority of all the electors in said village present and voting at any meeting called for that purpose, to levy an additional tax as above specified, sufficient to carry into effect any of the provisions of this act; public notice of which meeting and the object thereof shall be given by posting up a written or printed notice thereof, in at least three of the public places in said village, ten days before the time of such meeting, and by publishing a copy thereof in the newspapers of said village, if any are published therein.

SEC. 16. The common council shall have full power to order and direct the levy and collection, within the limits prescribed by law, of taxes sufficient to give full effect to the powers herein conferred.

SEC. 17. The common council shall have power to provide by ordinance for the manner of assessing and enforcing the collection of all taxes levied under the provisions of this act, but until express provision is made in regard to that subject, all taxes shall be collected as follows: The recorder shall deliver to the county auditor of Goodhue county, a certificate signed by him under the seal of the corporation, setting forth the amount levied upon every dollar in value of taxable property within the limits of the village of Cannon Falls, as incorporated by this act; it thereupon shall become the duty of the said auditor to add the amount thus levied to the assessment rolls of the year in which such levy was made; and it shall become the duty of the county treasurer of said county to collect the amount thus added to the assessment roll, and to enforce the collection of the same in like manner as any other tax of said county of Goodhue, placed in his hands for collection, and to pay the amount so collected to the treasurer of the village of Cannon Falls, incorporated by this act.

SEC. 18. In any action brought to recover any penalty or damages under this act, or under any ordinance made by the common council, it shall be sufficient to complain that the defendant is indebted to the village to the amount of said penalty or damages, and to refer to the act or ordinance under which the same is claimed, and to give the special matter in evidence under it. All civil cases shall be under the control and direction of the common council; they shall have power to settle, compromise or prosecute all such actions on the part of the village when such village shall

be the party, or be interested in such actions, and no person shall be an incompetent juror by reason of being an inhabitant of said village in an action to which the village shall be a party.

SEC. 19. In all respects not herein provided for, said village shall be and continue a part of the township of Cannon Falls.

SEC. 20. The corporation is invested with all powers to carry into full force, virtue, and effect all and every part of the charter of said village, and the acts amendatory thereof, and to carry into execution the same, shall have power to pass and ordain all and every ordinance necessary to carry out fully the meaning and interest [intent] thereof.

SEC. 21. All previous acts and amendments thereto, which in any way conflict with the provisions of this act, are hereby repealed.

SEC. 22. This act shall take effect and be in full force from and after its passage.

Approved February 19, 1874.

CHAPTER VI.

AN ACT TO INCORPORATE THE VILLAGE OF HOUSTON, IN THE COUNTY OF HOUSTON, AND STATE OF MINNESOTA.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the metes and bounds of said village be as follows: All of section thirty-three, town one hundred and four, range six west; the east half section thirty-two, town one hundred and four, range six west; the south-west quarter section thirty-four, range six west; the north half of section four, town one hundred and three, range six west; and the north-east quarter of section five, town one hundred and three, range six west, in the county of Houston and state of Minnesota.

SEC. 2. That the inhabitants within the metes and bounds herein described shall henceforth be a body politic and corporate, subject to and with power to act under the authority of all the provisions of this act. They shall have power to sue and be sued, complain and defend in any court, make and use a common seal, and alter it at pleasure; and take, hold and purchase, lease and convey such real and personal or mixed estate as the purposes of

the corporation may require, within or without the limits aforesaid; shall be capable of contracting and being contracted with, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession.

SEC. 3. The government of said village and the exercise of its corporate powers, and the management of its fiscal, prudential and municipal concerns, shall be vested in a president and four trustees of the village of Houston.

SEC. 4. On the first Tuesday in April next, and annually thereafter, there shall be elected in and for said village, one president, four trustees, one justice of the peace, one marshal, one treasurer and one assessor, one clerk, who shall hold their office one year; except the justice of the peace, who shall hold his office two years, or until their successors are elected and qualified.

SEC. 5. All officers provided for in the fourth section of this act, at the time therein provided, shall be elected by the voters who shall have resided in said village of Houston at least fifteen days next before the day of election, and having the qualifications of a voter for state and county officers; all officers provided for in this act for election shall be twenty-one years old, a citizen of the United States, or declared his intention to become such, and shall have resided in said village of Houston at least three months next before their election, and in case the election as provided in this act should from any cause not be held at the time provided, such failure shall not arrest, suspend or dissolve this corporation, but such election may be held at any time thereafter when any five legal voters shall give ten days' notice by written or printed handbills, put up in three of the most public places in said village, of the time of holding such election and of the officers to be elected.

SEC. 6. The first election for officers provided for in this act, shall be held at the place where the last general election was held in the town of Houston, and the polls shall be opened between the hours of nine and ten a. m., and continue open until four p. m., and the voters present at the time of opening, shall proceed to elect by ballot, or otherwise at the first election under this act, and at no other, one moderator, one inspector and one clerk from among themselves, whose duty it shall be to receive and count all the votes which may be given, in the same manner as is provided in county and town elections, the names of all the officers voted for, as provided for in this act, shall be one slip of paper, either written or printed, or partly written and partly printed, with the office for which such person is voted for, and the person or persons receiving the highest number of votes for any office or offices, shall be declared by the

moderator duly elected, and such persons shall hold their office one year, except the justice of the peace, who shall hold his office for two years, or until others are elected and qualified.

SEC. 7. All justices of the peace elected under this act shall have and exercise the same jurisdiction, power and authority in matters civil and criminal as justices of the peace of towns now have under the laws of this state, and be subject to the same liabilities and regulations, and be entitled to the same fees and in addition thereto shall have exclusive jurisdiction to hear, try and determine all complaints for violation of any ordinance made and adopted by the trustees of said village, and of all cases or offenses in which the village is a party; and appeals from the decision of said justice may be had and taken to the district court on the same terms and conditions as is now provided by law.

SEC. 8. The village treasurer before entering on the duties of his office shall execute to the trustees a bond, in such penal sum as the said trustees may direct, with two or more sureties, to be by them approved, for the safe keeping and disbursement of all moneys coming into his hand, as such treasurer, also for the faithful performance of all his official duties. And all officers elected by virtue of this act excepting the president and trustees, who shall take the oath of office before entering on the duties of their offices, shall give bonds, take and subscribe an oath to support the constitution of the United States and of the state of Minnesota, and to faithfully perform the duties of their respective offices, which oath with their respective bonds shall be filed in the clerk's office.

SEC. 9. The president shall be chief executive officer, and head of the police of the village; he shall sign all commissions and permits which may be granted by the trustees; shall maintain peace and good order, and see that the laws of the state and ordinances of the village are observed and executed; shall suppress riots and other public disturbances; he may appoint special constables as he may deem proper to aid him in preserving the peace, he shall also preside at the meetings of the trustees if present, and have the casting vote but no other.

SEC. 10. The trustees shall have power to preserve order and propriety in its proceedings, and to punish in a summary manner by fine or imprisonment all disorderly or disrespectful conduct in its presence, and also to compel pecuniary penalties for the non-attendance of its members. They may adopt rules for their proceedings and keep a record of all their transactions, which shall be open to the inspection of any citizen when desired, and the place of holding their meetings shall be open at all times to the public.

SEC. 11. The president and each and every trustee, marshal, justice of the peace, shall be officers of the peace, and are by virtue

of their office empowered to suppress in a summary manner all rioting and other disorderly conduct according with the ordinance of the village or the laws of the state.

SEC. 12. The marshal before entering on the duties of his office shall comply with the provisions of this act; he shall possess and exercise all the powers and duties of constables of towns and be subject to the same liabilities; it shall be his duty to apprehend with or without process any person whom he may find in the act of committing offence against the laws of the state or ordinances of the village and forthwith bring such person or persons before any officer of competent jurisdiction for examination and conviction, and for all such services he shall receive such fees as are allowed to constables for like service; and it shall be his imperative duty to prevent any obstruction of any kind either of a street or an alley in the original village of Houston, or in any addition made to said village of Houston, the plat of which is on record in the office of the register of deeds of Houston county, and has not been vacated according to law, but he shall keep all such streets and alleys open and free to the use of the public. In case the marshal shall find that any such obstruction exists, or is informed such obstruction does exist to the free use of any street or alley, he shall give three days' notice to the person or persons obstructing the free use of any street or alley, to remove the same obstruction, and if the obstruction should remain at the end of three days from the date of notice, he shall forthwith proceed to remove such obstruction, and in the name of said village prosecute the person or persons so obstructing such roads, streets and alleyways for costs and damages sustained thereby, before the justice of the peace of the said village of Houston, and his charges for his services shall be the same as that of a constable of a town.

SEC. 13. It shall be the duty of the clerk to attend all meetings of the trustees, and keep a record of the proceedings, and also a faithful record of all their doings and the votes of the inhabitants; at the regular and special meetings he shall perform such duties as shall be lawfully required of him by the trustees, who shall fix and prescribe the salary and fees therefor, the record kept by said clerk shall be evidence in all legal proceedings, and copies of all papers required by law to be filed in his office, and transcripts from the records of proceedings of the trustees certified by him and under the seal of the corporation, shall be evidence in all courts and places.

SEC. 14. The treasurer of said village shall be also the collector of taxes levied for village purposes, and shall perform all such duties as shall be lawfully required of him by the ordinance of the trustees or the laws of the state all moneys received by means of any tax license, fine, forfeiture or otherwise under the authority of

this act, or which may belong to the village, shall be paid into his hands, and shall not be drawn therefrom except by an order signed by the president, ordered by the trustees and attested by the clerk; he shall keep an accurate account of all moneys coming into his hands as treasurer; he shall as often as required by the trustees render an account of receipts and payments, and at the expiration of his term of office, shall hand over to his successor in office all moneys, books, papers and other property in his possession belonging to said village.

SEC. 15. The trustees shall have power to enact, establish, publish, alter, modify, amend, repeal and enforce all such rules, by-laws and ordinances, for the government and good order of the village, for the suppression of vice and immorality, preventing fires, for the promotion of health, removal of nuisances, and for the benefit of trade and commerce as they may deem expedient; declaring and imposing penalties, and to enforce the same against any person or persons who may violate the provisions of such rules, by laws or ordinances as have been duly passed, adopted and published, by putting up within said village three hand bills, written or printed, in three of the most public places, at least two weeks prior to the taking effect thereof, and all such rules, by-laws and ordinances are hereby declared to be and have full force of law, provided they be not repugnant to the constitution and laws of the United States or of this state. The trustees shall have power:

First.—To license and regulate taverns, groceries, saloons, victualing houses, and all persons dealing in spirituous and intoxicating liquors; and to license and regulate the exhibition of common showmen or showmen of any kind, or the exhibition of any natural or artificial curiosities, all caravans, circuses and theatrical performances, and to establish the price in all cases except where the same may be fixed by law.

Second.—To restrain and prohibit all description of gaming and fraudulent devices and practices, and all playing with dice, cards or other games of chance for gain.

Third.—To prevent riots, noise, disturbances or disorderly assemblies, to suppress and restrain disorderly houses or groceries and houses of ill fame; to authorize the destruction of all implements or devices for the purpose of gaming.

Fourth.—To direct the location and management of all slaughterhouses and markets; to regulate the storage and keeping of gunpowder and other combustible materials.

Fifth.—To prevent horse racing or immoderate driving or riding in the streets, and regulate the place of bathing or swimming.

Sixth.—To restrain the running at large of cattle or swine, horses, sheep, geese and poultry, and to authorize the distraining and sale thereof.

Seventh.—To prevent the running at large of dogs, and to authorise their destruction in a summary manner when at large, contrary to regulations, and to impose a tax on the same at their discretion.

Eighth.—To establish and regulate boards of health, provide hospitals, cemeteries and the burial of the dead.

Ninth.—To procure buckets, hooks and ladders and other implements for extinguishing fires; prescribe and regulate the material of which houses shall be built within certain limits, and the manner of erecting chimneys, to remove chimneys and stove pipes, which may be deemed dangerous, at the expense of the owners or occupants thereof; to require the owners of buildings in the thickly settled portion of the village to provide and keep suitable ladders and fire buckets to direct the safe deposit of ashes, and to appoint a fire warden and prescribe his duty and compensation.

Tenth.—To prevent all persons from riding, driving or leading any horse or other animal on the sidewalks within the limits of the village, and from doing any damage to the same.

Eleventh.—To restrain drunkards or immoderate drinking, or obscenity in the streets, or any public places, and provide for arresting, removing and punishing any person or persons who may be found guilty of the same.

Twelfth.—To protect trees and monuments within the village, and regulate the place and manner of weighing hay, measuring fire wood, timber, &c., &c., &c.

Thirteenth.—To prevent the depositing within any waters of said village any dead carcass or filth of any kind, and prescribe penalties therefor.

Fourteenth.—To have a common seal and alter the same at pleasure.

Fifteenth.—To purchase, lease, hold and convey any estate, real or personal, for the use of the village.

Sixteenth.—No person shall be an incompetent judge, justice, juror, or witness, by reason of his being an inhabitant or freeholder in said village, in any action in which the village is a party or interested.

SEC. 16. In all suits for the violation of any ordinance of said village the process may be by summons or warrant, and if it shall be sufficient, without setting out therein the special matter, to complain generally, as in debt, with reference to the complaint claimed under the ordinance under which the action is brought, the defendant may plead thereto the general denial, and give the special matter in evidence thereunder.

SEC. 17. Every execution issued upon any judgment for the violation or non-observance of any ordinance or by-law of said village, may contain a clause directing, in the event of the non-

payment of the judgment, the imprisonment of the defendant in the county jail of Houston county, for such time as shall have been provided by the ordinances under which the judgment shall have been rendered. All fines, penalties and forfeitures, for the breach of any law or ordinance, when collected, shall be paid into the village treasury for the use of the village.

SEC. 18. When an action or suit shall be commenced against the village, the service thereof may be made by leaving an attested copy of the process with the clerk or president, and it shall be the duty of the person with whom such process is left forthwith to inform the trustees thereof.

SEC. 19. The trustees shall settle all just claims and demands against the village, and pay the same by order on the treasurer; and also settle with the treasurer annually, and publish accounts of receipts and expenditures.

SEC. 20. If any of the duties enjoined by this act, at any time hereinafter specified, or specified by any ordinance of the trustees, are not then done, the trustees may appoint some other time when the said duties may be done; *Provided*, The officer so failing, shall not be exonerated from fine for neglect of performing his duty.

SEC. 21. Whenever the office of any person elected under the provisions of this act shall become vacant from any cause whatsoever, the same may be filled by special election, to be held at such time and place as the trustees may designate, and the person or persons so elected shall fill the vacancy during the remainder of the term of his predecessor.

SEC. 22. Whenever a majority of all the owners of real estate bounding both sides of any street, or part of a street, and owning at least two-thirds of the frontage of lots on said street, or part of a street, shall petition the trustees to order such street or part of a street graded, leveled, graveled, or paved, or to construct a sewer thereon, or whenever the majority of all the owners of real estate bounding one side of any street or highway shall petition the trustees to cause sidewalks to be laid on the side of such street or highway, bounded by such real estate, such petition may be granted, and an order be made in accordance therewith, which order shall specify as nearly as may be, the locality and manner of the improvements proposed; and notice shall be given to all persons personally interested, or by publishing such order ten days, by written or printed handbills posted in three of the most public places in the village, and the aggregate expense of all improvements provided for in any such order of the trustees shall be assessed by the trustees on the lots lying upon or bounding the street or highway upon which such improvement is made, according to the relative benefit accruing to such lot, and a tax shall be levied therefor upon

said lots, and such tax shall become a lien upon the lots so levied upon, and shall be collected in like manner as other taxes levied under this act.

SEC. 23. It is hereby provided, if upon the publication of any order for any improvement as hereinbefore in this act provided, any owner of any lot or real estate liable to be taxed therefore under this act, may perform or cause to be performed at his own expense such work, for such improvement under the direction of the trustees, or some person appointed by them as supervisor, as may amount to the sum for which the lots or lot owned by him shall be liable to be assessed, and any statement in writing by the trustees or supervisor appointed by them, for the time being, that such work has been done or performed, shall exempt such lot or lots on behalf of which such work has been so performed, from taxation for such improvement.

SEC. 24. The trustees shall have power to tax each male person who by the laws of this state is subject to perform highway work or labor, not to exceed two days labor on the streets of said village, but any such person may at his option pay at the rate of one dollar per day, for every day he may be bound to labor, which money and labor shall be expended under the direction of the trustees, and in default of the payment of such money or labor, the trustees may sue for, and collect such money in the name of the village of Houston, with fifty per cent. damages on the same, together with the costs of suit before any justice of the peace; the said trustees shall also have power to levy a tax on all assessed property within said village, for the purpose of repairing and improving streets in said village, to be taken from the last assessment roll, to be expended under the order of the trustees, provided that the said tax shall in no one year exceed two mills on the dollar valuation.

SEC. 25. For the discharge of any debts against said village, or expenditure authorized by the trustees, under the provisions of this act, or ordinance of said trustees, the trustees shall have power to levy and collect annually a tax on all such real estate and personal property, or capital of any kind, within said village, subject to taxation by the laws for levying state and county taxes for the time being; *Provided*, That such tax shall not in any year exceed seven mills on the dollar of the assessed value of such property.

SEC. 26. Special taxes for the building of a town house on the public square of Mons Anderson's addition to Houston, for offices and election purposes, or for the purchase of cemetery grounds, and improving the same, for the burial of the dead, or for a fire engine, may be voted at any regular or special meeting of the voters; but no vote shall be taken unless such tax be first recommended by the said trustees, and a notice of the same, specifying the purpose for

which said tax is to be raised, and the time and place for voting, be published at least ten days before such meeting, by three or more handbills put up in public places by the clerk, or in some newspaper, when one is published in the village.

SEC. 27. The assessor elected by the provisions of this act shall in all things pertaining to his office be governed by the same laws as assessors of towns.

SEC. 28. On the first Tuesday in April next all connection between the town of Houston and the village of Houston, for town purposes shall be dissolved, and the duties now or hereafter imposed upon the supervisors and other officers of towns, shall be imposed on the officers of the village of Houston, and so much of the town of Houston as is not included in the limits of said village, shall continue to constitute the town of Houston for the purposes of town and county government, and they shall at the next town meeting or election, fix their place of meeting, by a vote of the electors at the town meeting, by ballot.

SEC. 29. After the first Tuesday of April next the amount of funds remaining, or debts due, as the case may be, from said town as now constituted, shall be proportioned between said town and village, according to the amount of property in each as taken from the last assessment roll.

SEC. 30. This act may be amended, altered or repealed by the legislature, but shall be considered a public act, and at all elections under this act after the first, the president and clerk and one trustee designated by the trustees for that purpose shall constitute a board of inspectors at such election.

SEC. 31. This act shall be in force from and after its passage.
Approved February 19, 1874.

CHAPTER VII.

AN ACT TO INCORPORATE THE VILLAGE OF WINNEBAGO CITY, FARB-
BAULT COUNTY, STATE OF MINNESOTA.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That sections thirty-four and thirty-five, and the south half of sections twenty-six and twenty-seven, township one

hundred and four, range twenty-eight west, and the north half of sections two and three, township one-hundred and three, range twenty-eight west, shall be known as the village of Winnebago City, and as such corporation shall possess and enjoy all the powers and privileges that can now or hereafter be possessed or enjoyed by any municipal corporations, and by that name may sue and be sued, contract and be contracted with, purchase, take and hold real or personal property, ever grant or demise of lands for right or transfer of property which be in the name of the village, and convey the same, and may have a corporate seal and alter the same at pleasure.

SEC. 2. The elective officers of said corporation shall be one president, one recorder, three trustees, one treasurer, one assessor, one justice of the peace, who shall be styled police justice, and one constable who shall be styled marshal, and shall each hold their office for the term of one year, and until their successors are elected and qualified. In addition to the above officers, the common council shall have power to appoint and define the duties of such other officers as the said council may deem proper and necessary. All village officers shall have resided in the village four months and be qualified electors of the state.

SEC. 3. Each officer before entering upon the duties of his office and within ten days after receiving notice of his election, shall give notice in writing of his acceptance of the same to the recorder, and shall take and subscribe before some officer by law authorized to administer oaths, an oath of office to support the constitution of the United States and the constitution of the state of Minnesota, and that he will faithfully perform the duties of his office in accordance with the law and the ordinances of said village. And in addition thereto the treasurer, recorder, justice of the peace and constable, shall each give bond in sum not less than four hundred dollars, to be determined by said council, conditioned for the faithful performance of the duties of their respective offices, which bond shall be filed with the recorder of said village.

SEC. 4. That the president, recorder and trustees shall constitute the common council, to which body shall belong all the legislative powers granted by this act to said corporation. All actions of the council intended to have the force of rules or law or authority for contract, shall be by ordinance under the style of "Be it ordained by the common council of the village of Winnebago city," but no ordinance shall embrace more than one subject, which shall be expressed by its title. The common council shall meet for the transaction of business at least once in two months, and a majority thereof shall be a quorum for the transaction of any business. The president when present shall preside at all meetings of the common

council, but in case of his absence the members present shall choose one of their number to preside during his absence, but no ordinance shall be passed except by the vote of the majority of all the members of the common council. A record in book form shall be kept by the recorder, in which he shall record all the proceedings of the common council, and ayes and noes on every ordinance voted upon shall be entered therein.

SEC. 5. That to the president shall belong the executive powers granted by this act to said corporation, except such of said powers as are especially vested in or must from their nature necessarily pertain to the other executive officers of said corporation, and whether said officers are created by this act or by the common council, he shall have power and it shall be his duty to call out and use in such manner as he may deem most proper, all the constabulary or police of said corporation to quiet or prevent riot; he shall have power to call a meeting of the council, by giving such notice thereof as may have been provided for by ordinance, or in default of such provision, in such manner and at such time as he may deem proper.

SEC. 6. That the recorder shall be the recording officer of the village and common council; he shall have the custody of the seal and all the records of said corporation not especially appertaining to the other officers thereof; he shall receive all moneys payable to said corporation, except as hereinafter provided, and shall immediately pay the same over to the treasurer, charging him therewith and taking his receipt therefor; he shall keep all the accounts of the corporation, receive all claims against the same, and draw orders upon the treasurer for moneys by said corporation, but no such order shall ever be drawn by said recorder unless the same shall be in full or part payment of a claim previously audited, and allowed by the common council. He shall at the close of each official year make to the common council a condensed report of all his business as such officer during the year. Such report shall be published in such manner as may be by ordinance provided, and he shall with all reasonable dispatch make such other reports, and at such times as the common council shall require.

SEC. 7. That the treasurer shall be the depository of all moneys belonging to the corporation. He shall from such moneys pay upon presentation all orders therefor drawn by the recorder and countersigned by the president; *Provided*, no order shall be paid unless the name of the payee thereof in writing and the party receiving the money appears thereon.

SEC. 8. That the justice of the peace shall have all the powers and jurisdiction of justices of the peace provided and elected under the general laws of the state, and in addition thereto shall have cognizance and exclusive original jurisdiction of all suits, prosecutions

or proceedings for the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation, of said corporation, or under this act, or for the breach or violation of any such by-law, ordinance or regulation, and, all cases of assault, batteries and affrays not indictable, and for a breach or violation of any by-law, ordinance or regulation shall be commenced in the name of the "village of Winnebago City," and the same proceedings shall be had in all civil and criminal suits or prosecutions before said justice, when not otherwise herein directed as are established and required to be had in civil and criminal actions by the general laws of the state before justices of the peace, except that no change of venue can be taken in any action in which the said corporation is a party. The justice of the peace shall take judicial notice of the by-laws, ordinances and regulations of said corporation, and it shall not be necessary in any action civil or criminal, before said justice, to plead or refer to the same in any manner whatever in any pleading or complaint, but said by-laws, ordinances and regulations shall in said justice court be held and deemed public law. The justice of the peace shall once in three months make to the common council a full report of all the moneys received by him for fines, forfeitures and penalties, and shall pay them into the hands of the recorder, taking his receipt therefor. The fees of the justice of the peace shall be the same as allowed and fixed by the general laws of the state. All warrants, writs and processes of every nature, issued by such justice, shall be directed to the sheriff or any constable of the county of Faribault, and may be executed or served by the constable elected under the provisions of this act, or by the sheriff or any other constable of said county, and for such purpose such sheriff or constable shall have and possess the power and authority which by the general laws of the state they have and possess in the execution of warrants, writs and processes.

SEC. 9. The constable shall be the ministerial officer of the council, he shall also be chief of the police force of said village, but as such shall be subordinate to the president, and his fees shall be fixed by ordinance of the council. *Provided*, Said constable shall, within the county in which he resides, also have and exercise all the powers and perform all the duties of, and when acting as such, receive the same compensation as constables elected under the general laws of the state.

SEC. 10. There shall be an annual election for elective officers herein provided for, on the first Monday in April in each and every year, and the polls shall be kept open from ten o'clock in the forenoon until four o'clock in the afternoon; and ten days' previous notice shall be given by the council of the time and place of holding such election, and the officers to be elected, [by] posting notices in

three of the most public places in the village. At the said elections the trustees, or any two of them, shall act as judges of election, and the recorder as clerk, and in case of non-attendance of any of these officers, the vacancy shall be filled by an appointment made by those officers present. At the close of the polls the votes shall be counted, and a true statement thereof proclaimed by one of the judges, and the recorder shall make true record thereof, and within five days thereafter shall give notice in writing to persons so elected of their election. The first election under this act shall be held on the first Monday in April, A. D. eighteen hundred and seventy-four, and shall be conducted by J. H. Welch, A. A. Huntington, E. A. Hotchkiss and D. P. Wasgatt, with power of appointment and substitution in case of absence.

Sec. 11. Whenever a vacancy shall occur in any elective office, it shall be filled by a new election called by the council in the same manner as hereinbefore provided for other elections. Persons elected to fill a vacancy shall hold his office and discharge the duties for the unexpired term thereof.

TITLE II.

Sec. 1. The common council shall have the management and control of the finances, and of all the property of the corporation; and shall also, in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, by-laws and regulations for government and good order of the village, for the suppression of vice and intemperance, and for the prevention of crime, as they shall deem expedient. The common council shall have full power and authority to declare and impose fines, penalties and punishments, and to enforce the same against any person or persons who may violate any of the provisions of any ordinance, by-law or regulation ordained or passed by them; and all such ordinances, by-laws and regulations are hereby declared to be and have the full force of law. *Provided*, That they be not repugnant to the constitution of the United States or of this state; and for those purposes shall have authority by ordinance, rules, by-laws and regulations—

First.—To license and regulate the exhibition of common showmen and shows of all kinds, or the exhibition of caravans, circuses, concerts or theatrical performances, billiard tables, nine or ten pin alleys, bowling saloons, to grant license, to regulate auctions and auctioneers, groceries, taverns and all persons vending or dealing in spirituous, vinous or fermented liquors.

Second.—To restrain and prohibit all description of gambling and

fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gaming in said village, and to restrain any person from vending, giving or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council.

Third.—To prevent any riots, noise, disturbance and disorderly assemblages in said village, and to provide for the arrest and punishment of any person or persons who shall be guilty of the same, to suppress disorderly houses and houses of ill-fame, and to provide for the arrest and punishment of the keepers thereof, and to authorize the destruction of all instruments used for the purpose of gambling.

Fourth.—To compel the owners or occupants of any grocery, cellar, tallow chandlers shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome nauseous house or place, to cleanse, remove, or abate the same from time to time as often as may be deemed necessary, for the health, comfort and convenience of the inhabitants of said village.

Fifth.—To direct the location and management of slaughter houses and markets, breweries and distilleries.

Sixth.—To prevent the encumbering of streets, sidewalks, lanes, alleys or public grounds, with carriages, carts, wagons, sleighs, boxes, lumber, fire wood, posts, awnings, or any other materials or substances whatever.

Seventh.—To prevent and punish horse racing and immoderate riding or driving in the streets. To compel persons to fasten their horses or other animals attached to vehicles while standing in the streets.

Eighth.—To restrain the running at large of cattle, horses, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same, and to impose penalties on the owners of such animals for violations of the ordinances.

Ninth.—To prevent the running at large of dogs, and may impose a tax upon the same, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinance.

Tenth.—To prevent any person from bringing, depositing, or having within said village, any putrid carcass or any other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any substance or putrid or unsound beef, pork, fish, hides or skins, and in default to authorize the removal thereof by some competent officer, at the expense of such person or persons.

Eleventh.—To make and establish public pounds, pumps, wells, cisterns, hydrants and reservoirs, and to provide for and control the erection of water works for the supply of water to the inhabitants.

Twelfth.—To establish and regulate boards of health and provide hospitals and hospital grounds.

Thirteenth.—To prevent all persons riding or driving any ox, mule, or cattle, or other animal, on the sidewalks in said village, or in any way doing any damage to such sidewalks.

Fourteenth.—To prevent the shooting of firearms, crackers, and to prevent the exhibition of any fire works in any situation which may be considered by the council dangerous to the town or any property therein, or damaging [annoying] to any citizen thereof.

Fifteenth.—To prevent open or notorious drunkenness and obscenity in the streets or public places of said village, and to provide for the arrest and punishment of all persons who shall be guilty of the same.

Sixteenth.—To license and regulate butchers stalls, shops and stands for sale of game, poultry, butchers meat, fish and other provisions.

Seventeenth.—To regulate the place and manner of weighing hay and selling the same, and the measuring and selling of wood, coal, and lime, and to appoint suitable persons to superintend and conduct the same.

Eighteenth.—To compel the owner or occupant of buildings or grounds to remove snow, dirt or rubbish from the sidewalk, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in his default to authorize the removal or destruction thereof, by some officer of the village, at the expense of such owner or occupant.

Nineteenth.—To provide for watchmen, and to prescribe their numbers and duties and to regulate the same, to establish the police of said village and to prescribe the number and their duties, and regulate the same.

Twentieth.—To provide by ordinance for a standard of weights and measures, for the appointment of a village sealer and to require all weights and measures to be sealed by the village sealer, and to provide for the punishment of the use of false weights and measures.

Twenty-first.—To direct and regulate the planting and preserving of ornamental trees in the streets and public grounds.

Twenty-second.—To remove and abate any nuisance injurious to the public health, and to provide for the punishment of all persons who shall cause or maintain such nuisances.

Twenty-third.—To remove and abate any nuisance, obstruction, encroachment upon the streets, alleys, public grounds and highways of the village.

Twenty-fourth.—To do all acts and make all regulations which may be necessary or expedient for the preservation of health and

the suppression of disease, and to make regulations to prevent the introduction of contagious or infectious diseases into the village, and to make quarantine laws, and to enforce the same within the village.

Twenty-fifth.—To restrain and punish mendicants, beggars and prostitutes.

Twenty-sixth.—Fines, penalties and punishments imposed by the common council for the breach of any ordinance, by law or regulation of said village may extend to a fine not exceeding one hundred dollars, and imprisonment not exceeding thirty days, or both, and to be fed on bread and water at the discretion of the justice, and offenders against the same may be required to give security for their good behavior, and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars.

SEC. 2. All ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the common council, by ayes and noes, and published at least once in the official paper or posted in three conspicuous places in said village, before the same shall be in force, and thereafter shall be admitted as evidence in any court in the state without further proof. They shall be recorded by the recorder in books provided for that purpose.

SEC. 3. The power conferred upon the common council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns and houses or places where spirituous or vinious or fermented liquors are sold without license required therefore within the limits of said village, are hereby declared and shall be deemed public nuisances.

SEC. 4. The council shall examine, audit and adjust the accounts of the recorder, treasurer, justice and all other officers and agents of the village, at such times as they may deem proper, and also at the end of each year and before the term for which the officers of said village were elected or appointed shall have expired. And the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of said council in discharge for their said duties in pursuance of this section, or shall neglect or refuse to render his accounts, or present his books and vouchers to said council or a committee thereof, it shall be the duty of the council to declare the office of such person or officer vacant, and the common council shall order suits and proceedings at law against any officer or agent of said village, who may be defaulting, or delinquent in his books or accounts, or in the discharge in any manner of his official duties, and shall make a full record of all such adjustments and settlements.

TITLE III.

SEC. 1. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, police or health regulations in pursuance thereof, shall be brought in the corporate name of the village.

SEC. 2. In all prosecutions for any violation of this act or any ordinance of the village, the first process shall be by warrant; *Provided*, That no warrant shall be necessary in any case of the arrest or apprehension of any person or persons while in the act of violating any law of the state of Minnesota, or ordinance of the village, but the person or persons so arrested, may be proceeded against, tried and convicted, and punished or discharged in the same manner as if the arrest had been by warrant.

SEC. 3. The constable and other police officers are hereby vested with all the powers of a sheriff or constable in the service of writs as granted to them by the law of the state, and may pursue into any county in this state, and take and bring back for trial any offender against the ordinances of said village.

SEC. 4. When any suits or actions shall be commenced against said village, the service then shall be made by a copy left with the recorder of the village.

SEC. 5. No law of this state contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such act.

SEC. 6. The sale of intoxicating, spirituous, vinous, malt or fermented liquors, within the limits of said village, is hereby declared to be under the exclusive control of the common council of said village, and all fines imposed for violation of any ordinance regulating such traffic shall be paid into the treasury for the use thereof.

SEC. 7. The common council shall have the power and authority to open, lay out or vacate streets and alleys within the limits of said village, which is conferred by general laws of the state upon boards of supervisors of townships, to open, alter or discontinue or lay out roads, and in the matter of opening, laying out or vacating streets or alleys, and the assessment of damages, the common council shall be governed by and act under the general laws of the state governing boards of supervisors, and appeals may be taken in the same manner to the county commissioners, as appeals are under the general laws taken from the decision of township supervisors.

SEC. 8. The cost and expense of building, grading, paving, or repairing sidewalks shall be, at the option of the common council, chargeable to the lots fronting on said improvements. Whenever the common council shall deem it necessary to construct or repair any sidewalk in the village of Winnebago City, they may require

the street commissioner to notify all owners and occupants of any lot or lots, or parcels of land adjoining such sidewalks, to construct or repair the same at his or their own proper expense and charge, within a certain time designated by delivering to the owners or occupants of said lots or parcels of land, or by the publication in a newspaper printed and published in said village, for not less than two weeks, of a notice to said owners or occupants, setting forth what work is to be done, and the character of the same, by such owners or occupants, and the time within which they are required to do the same.

SEC. 9. If such work is not done in the manner and within the time prescribed, the common council may order the same to be done by the street commissioner at the expense of the lots or parcels of land adjoining, and said expense shall be assessed upon such lots and parcels of land so chargeable by the street commissioner, and returned by him to the council, and said assessment so made and returned for approval, [if approved] by the common council, shall become a lien upon said lots and parcels of land, as in case of town, county and state taxes.

SEC. 10. If said assessment be not paid to the street commissioner on or before the twentieth day of August, in any year, the common council shall cause a statement of the same to be transmitted, with the village taxes levied for that year, to the auditor of the county at Faribault, on or before the first day of September in each year, and the said auditor shall insert the same with the other taxes in the duplicate statement of taxes annually transmitted by him to the county treasurer for collection, and payment thereof enforced with and in like manner as county and state taxes are collected and payment enforced.

SEC. 11. The common council may prescribe width of sidewalks, and may establish different widths in different localities, and may determine the kind of material of which they shall be constructed, having regard to the business and the amount of travel in the vicinity of each.

SEC. 12. All property, real and personal, except such as may be exempt by the general laws of the state, or as [is] village property shall be subject to taxation not exceeding two and one-half mills on the dollar per year, for general expenses. Such property shall also be liable for such special taxes as the common council are herein authorized to levy.

SEC. 13. The common council shall have full power to order and direct the levy and collection, within the limitation prescribed by law, of taxes sufficient to give full effect to the powers herein conferred.

SEC. 14. The common council shall have power to provide by

ordinance for the manner of assessing and enforcing the collection of all taxes levied under the provisions of this act, but until express provisions are made in regard to that subject, all taxes shall be collected as follows: The recorder shall deliver to the county auditor of Faribault county a certificate signed by him under the seal of the corporation, setting forth the amount levied upon every dollar in value of the taxable property within the limits of the village of Winnebago City, as incorporated by this act. It thereupon shall become the duty of the said auditor to add the amount thus levied to the assessment rolls of the year in which the levy was made, and it shall become the duty of the county treasurer of said county to collect the amount thus added to the assessment roll, and to enforce the collection of the same, in like manner as any other tax of the said county of Faribault placed in his hands for collection, and to pay the amount so collected to the treasurer of the village of Winnebago City, incorporated by this act.

SEC. 15. Any action brought to recover any penalty or damage under this act, or under any ordinance made by the common council, it shall be sufficient to complain that the defendant is indebted to the village to the amount of said penalty or damages and costs, and refer to the act or ordinance under which the same is claimed, and to give the special matter in evidence under it. All civil cases shall be under the control and direction of the common council; they shall have power to settle, compromise, or prosecute all such actions on the part of the village, when said village shall be a party or be interested in such actions, and no person shall be an incompetent juror by reason of being a resident or an inhabitant of said village, in an action to which the village shall be a party.

SEC. 16. The common council shall have power to prevent the dangerous construction of chimneys, fire places, stove pipes for the conducting of fire, heat or smoke, and cause the same to be made safe, and to prohibit the deposit of ashes in any unsafe place. They shall have power to appoint a chief engineer to take charge of the fire department, warders to inspect chimneys, and all other places dangerous on account of fire to organize hook and ladder and other fire companies, purchase fire engines and hooks and ladders and other apparatus, to provide for the support and regulation of such companies, and to be under their control. Active members of such companies shall be exempt from serving on juries and from doing highway labor, except on property tax, so long as they shall continue active members. The common council shall have power individually, to compel citizens to work at fires, and make and regulate fines for refusing to work at such fires.

SEC. 17. The territory embraced within the limits of said village of Winnebago City by this act shall constitute one road district,

and the common council shall appoint an overseer who shall be styled street commissioner, whose duties shall be the same as that of road overseer, as defined by the general laws, the ordinances of the council and as prescribed by this act.

SEC. 18. The corporation is invested with all the powers to carry into full force and virtue and effect all and every part of the charter of said village and the acts amendatory thereto, and to carry into execution the same, shall have full power to pass and ordain all and every ordinance necessary to carry out fully the meaning and intent thereof.

SEC. 19. All previous acts or amendments thereto which in any way conflict with the provisions of this act, are hereby repealed.

SEC. 20. This act shall take effect and be in force from and after its passage; *Provided*, That if fifteen of the legal voters of the district in the first section of this act described as the village of Winnebago City, shall petition the canvassers in this act named, on or before the fifteenth day of March (A. D. 1874) eighteen hundred and seventy-four, for an election to determine whether the people in said district desire this act of incorporation to take effect as and at the time set forth in the provisions thereof, upon the presentation of such petition to said canvassers, they shall fix and appoint the twenty-fifth day of March, A. D. eighteen hundred and seventy-four (1874,) for such election and shall give five days notice thereof by posting notices thereof in three of the most public places in said district. At said election ballots shall be cast and votes counted by said canvassers appointed by this act, the same as for the officers of said village as in this act provided. The ballots used at such election shall have written or printed thereon, "For Village Charter," or "Against Village, as the case may be; said canvassers shall declare the result, and if they declare that a majority of the votes cast were for "village charter," or if the petition in this section referred to and provided for should not be presented to said canvassers as herein provided, then in such case this act shall be and remain in full force and effect. But if a majority of said votes are "Against Village Charter," then in such case no further action or election under this act shall be taken or be valid. The polls of this election in this section provided for shall be opened at 10 o'clock A. M., and closed at 4 o'clock P. M., of said day.

Approved Feby. 24, 1874.

CHAPTER VIII.

AN ACT TO INCORPORATE THE VILLAGE OF EASTON, IN THE COUNTY OF FARIBAUT, AND STATE OF MINNESOTA.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That all that part of the township of Lura, Barber, and Minnesota Lake, in the county of Faribault, and state of Minnesota, included within the following discribed limits or boundaries to-wit: Sections twenty-five, (25) twenty-six, (26) thirty-five, (35) and thirty-six, (36) in township one hundred and four, (104) north, of range twenty-six, (26) and section thirty-one (31) in township one hundred and four, (104) north of range twenty-five, is hereby constituted a village by the name and style of "The Village of Easton," and by that name the people now inhabiting and those who may hereafter inhabit the said district or county, shall be a municipal corporation, possessing all the powers incident to municipal corporations at common law, with perpetual succession; and shall be capable of contracting and being contracted with, of suing and being sued, and of pleading and being impleaded in all courts of law and equity, and may have a common seal.

SEC. 2. The inhabitants of said village having the qualifications of electors of members of the legislature of the state of Minnesota, as hereinafter provided, may elect a president, three trustees, a recorder, a justice of the peace and a constable, who shall hold their respective offices for one year or until their successors are elected and qualified, and before entering upon the duties of their respective offices they shall each take an oath or affirmation to support the constitution and laws of the state of Minnesota; also an oath of office. The recorder shall act as treasurer, and shall give such bonds as the village council may require. The treasurer shall keep a true account of all moneys by him received by virtue of his office, and the manner in which the same are disbursed, in a book provided for that purpose, and exhibit such account, together with his vouchers, to the village council at its annual meeting for adjustment, and shall deliver all books and property belonging to his office, and the balance of all moneys in his hands, as such treasurer and recorder, to his successor in office, on demand, after such successor has qualified according to law.

SEC. 3. The treasurer shall from time to time draw from the

county treasurer such moneys as have been received by the county treasurer for the use of his village, and on receipt of such moneys he shall deliver proper vouchers therefor.

SEC. 4. The treasurer shall, on the Tuesday preceding the annual election for village officers, make out a statement in writing, of the moneys by him received into the village treasurer from officers and other sources, and also of all moneys paid out by him as such treasurer, in which statement he shall set forth particularly from whom and on what account such moneys were received by him, with the amount received from each person or officer, and the date of receiving the same, also to whom and for what purpose any moneys have been paid out by him, with the amount and date of each payment, he shall also state therein the amount of moneys remaining in his hands as treasurer. Such statement shall be filed by him, in his office, for the inspection of any person, and shall be carefully preserved and recorded in a book provided for that purpose.

SEC. 5. The president, the three trustees and recorder, shall be the village council of said village, any three of whom shall constitute a quorum for the transaction of any business, and shall have full power and authority to enact, adopt, modify, enforce and from time to time amend or repeal all such ordinances, rules and by-laws as they shall deem expedient for the following purposes to wit:

First.—To provide for the construction and maintenance of suitable sidewalks and street crossings, as they shall deem expedient, at the expense of the owners of the lots or parts of lots, respectively opposite and adjoining to such sidewalks or crossings.

Second.—To prevent riots, noise, disturbance of meetings or public assemblies whatever, to punish any person or persons who may engaged in or in any way connected with the same, and generally to promote and preserve good order and the public peace.

Third.—To prevent the encumbering of streets, sidewalks, lanes or alleys with carriages, carts, wagons, boxes, barrels, sleighs, fire-wood, lumber or any other material or substance whatever.

Fourth.—To restrain the running at large of cattle, swine, sheep, horses, mules and poultry, and to authorize the impounding, distraining and sale of the same.

Fifth.—To prevent any person from bringing, depositing or having within the village any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have the same upon his premises, or by the person who may have put the same thereon or from any street, lane, public square or alley and in default to authorize the removal thereof at the expense of such person so required to remove the same.

Sixth.—To prevent open or notorious drunkenness, brawling or obscenity in the streets, alleys or public places, and to provide for the punishment of all persons who may be guilty of the same.

Seventh.—To prevent all persons from doing any damage to the sidewalks.

Eighth.—To direct the location and management of slaughter houses and markets in said village and to regulate the sale, storage and keeping of gunpowder and other combustible materials.

Ninth.—To compel the owners, agents or lessees of any hog yard, or hog pen, stable, privy, sewer, hide yard, slaughter house, markets or any other unwholesome or nauseous house or place, to clean, remove or abate the same, from time to time as the village council may deem necessary, for the health, comfort and convenience of the inhabitants of the said village.

Tenth.—To prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers, boiler stacks, and apparatus, in or about any building, and to cause the same to be placed in a safe condition at the expense of the owner or owners, to prevent the deposit of ashes in unsafe places, or the throwing of them into the street; to regulate and prevent the use of fire-arms, and to establish such regulations for the prevention and extinguishment of fires, as they may deem proper, also to adopt such regulations, as they may deem expedient to prevent the introduction or spread of contagious diseases.

Eleventh.—To establish the grades of streets, and cause an accurate profile thereof to be made, a copy of which must be filed in the office of the village recorder.

Twelfth.—To license public showmen or exhibitions, billiard tables and bowling alleys.

Thirteenth.—To prevent and punish horse-racing, immoderate riding or driving in the streets; to compel persons to fasten their horses or mules, attached to vehicles while in the streets, and to regulate the places of bathing and swimming in water in the limits of said village.

SEC. 6. Said village council shall have full power and authority to declare and impose fines, penalties and punishments, and to enforce the same against any person or persons who may violate any of the provisions of any ordinance, rule or by-law enacted by them, and all such ordinances, rules and by-laws are hereby declared to have the force of law. *Provided*, They are not repugnant to the constitution and laws of the United States and the state of Minnesota. Fines, penalties and punishments may extend as follows, to-wit: Fines not to exceed one hundred dollars, nor imprisonment to exceed thirty days in the county or village jail; offenders may be required to give security for their good behavior, and to keep the peace for a period not exceeding one year, in a sum not exceeding five hundred dollars.

SEC. 7. All ordinances, rules and by-laws shall be enacted by a

majority of all the members of the village council, and shall be signed by the president or chairman, attested by the recorder, and published once in a newspaper published and printed in said village, or posted conspicuously in three [public] places in said village for ten days before the same shall be in force, and shall be recorded in a book kept for that purpose.

SEC. 8. All prosecutions for violating any of the ordinances, rules or by-laws enacted under the provisions of this act, shall be brought in the name of the village of Easton, and shall be commenced by warrant, upon complaint being made, as required by law in criminal cases before justices of the peace, and the same proceedings shall be had thereon as are required to be had by the laws of this state in criminal or civil actions, before justices of the peace. *Provided*, No appeal shall be allowed in any case where the fine or penalty imposed is less than ten dollars. The justice of the peace of the village shall have and possess exclusive and original jurisdiction of all cases arising under the provisions of this act.

SEC. 9. All fines and penalties imposed under or by virtue of the provisions of this act, shall belong to the village of Easton, and shall constitute a fund to pay the expenses incurred under the provisions of this charter.

SEC. 10. Any five citizens, being freeholders within the corporate limits of said village, and having the qualifications requisite for electors of members of the state legislature, may at any time call a meeting of the electors thereof, to elect officers provided for in section two of this act, by posting a notice for ten days prior to the meeting, at the post office and at two more public places within the limits of said village, or by publishing the same for two weeks immediately preceding said election, in a paper published in said village, stating the object of the meeting, and the time and place of holding the same, and the electors present at the time and place may organize such meeting by choosing, viva voce, two judges of election and one clerk, who shall take an oath or affirmation to faithfully discharge the duties required of them; and said judges and clerk, being duly qualified, shall forthwith open the polls by proclamation, and conduct the election in the manner prescribed by the statutes of Minnesota for the election of township officers, and the judges of election shall give to each person a certificate of his election within five days after said election.

SEC. 11. After the first election of officers the village council shall act as judges of election, and the annual meeting for the election of officers shall be held on the first Wednesday of April in each year at such place in said village as the council may direct, and the polls shall be opened between the hours of ten and eleven o'clock in the forenoon, and close at four o'clock in the afternoon of said

day. At the close of the polls shall be counted, and a true statement thereof proclaimed to the voters by some one of the judges of election, and the recorder shall make a true copy thereof in a book kept for that purpose, and within five days thereafter shall notify in writing the persons so elected of their election.

SEC. 12. The village council shall give notice of the time and place of holding the annual meeting for the election of officers, by posting a notice of the same fourteen days immediately prior to the day of election at the post office, and at three or more public places in said village, or by publishing it for two weeks immediately prior to said election in a paper published in said village, and may at any time call a special meeting of the electors of the village, by posting or publishing a notice, as provided in this section, for the call of the annual meeting. *Provided*, No subject or question shall be considered or acted upon at any annual or special meeting unless it has been clearly stated in the notice for the call of such meeting.

SEC. 13. The legal voters of said village may, at any annual or special meeting, authorize the village council to levy a tax to build a pound, or to build a building or place for the confinement of persons arrested under the provisions of this act, and any such tax shall be levied and collected as prescribed by the statutes of this state for the levying and collecting of township taxes.

SEC. 14. The village council shall have the exclusive right to license persons vending, dealing in, or disposing of spirituous, vinous, malt, or fermented liquors, within the limits of said village, and persons so licensed shall not be required to obtain a license from the board of county commissioners, and shall not be prosecuted for selling, bartering or disposing of spirituous, vinous, malt or fermented liquors, if having first obtained license therefor agreeably to the provisions of chapter sixteen of the general statutes. *Provided*, That no license shall be granted for less than fifty dollars, and that previous to the granting of any such license a bond shall be executed with the same conditions, and with the same penal sum as required by the general act, and the council shall have full power to restrain any person from vending liquors unless duly licensed by the village council of said village.

SEC. 15. The justice of the peace and constable of said village shall have and may exercise in addition to the power and authority herein specially granted to such officers, all the power and authority in any case possessed by a justice of the peace or constable elected in any of said townships. The village justice and constable shall take the same oath of office and execute, before entering upon the discharge of their duties as such officers, the same bonds and file the said bonds with the same parties as justices of the peace and constables elected by the said townships, are now or may be hereafter re-

quired to do, and shall receive the same fees for their services as justices of the peace and constables elected by the said townships are allowed under the statutes of this state, and the constable may at any time under the direction of the president or a majority of the village council, call to his assistance any number of citizens sufficient to aid in the suppression of a riot or any public disturbance, or to aid him in making arrests.

SEC. 16. Should a vacancy occur in any of the offices provided for in this act, the village council are hereby authorized to fill the same by appointment.

SEC. 17. The village of Easton shall be a road district and all taxes raised within the limits of said village for building bridges or public highways, or for repairing the same, shall be expended under the direction of the village council. *Provided*, a village council is elected under the provisions of this act.

SEC. 18. The village council shall constitute a village board of auditors for the purpose of auditing all accounts payable by said village, and the recorder shall be clerk of said board and a member thereof.

SEC. 19. The said board of auditors shall meet annually on the Tuesday next preceding the annual village election to be held in said village, and at such other times as they shall deem necessary and expedient for the purpose of auditing and settling all charges against the said village, and they shall state on each account the amount allowed by them, but no allowance shall be made for any account which does not specially state each item of the same and the nature thereof.

SEC. 20. Said board shall draw up a report stating in detail the items of accounts audited and all owed, the nature of each account and the name of the person to whom such account was allowed, including a statement of the fiscal concerns of the village.

SEC. 21. Such report shall be produced and publicly read by the clerk of the said board at the next ensuing village election, and a whole or a part of such report may be referred by the order of the meeting to a committee of three whose duty it shall be to examine the report and report thereon to such meeting.

SEC. 22. The amounts of any account audited and allowed by the board of auditors, and the amount of any account voted to be allowed by any meeting of the voters of said village, shall be paid by the village treasurer on the order of the said board signed by the president and countersigned by the clerk of the said board, and all orders issued to any person by such board for any sum of money due from said village shall be received in payment of village taxes of said village.

SEC. 23. The village justice shall report quarterly to the village

council all the proceedings instituted before him in which the village is interested and shall at the same time account for and pay over to the village treasurer all fines and penalties collected, by him belonging to said village, and said justice shall be entitled to receive from the county of Faribault such fees in criminal cases occurring without the village as are allowed to other justices in the county for similar purposes.

SEC. 24. The cost and expense of building, grading, paving or repairing sidewalks shall be at the option of the village council chargeable to the lots fronting on said improvement. Whenever the village council shall deem it necessary to construct or repair any sidewalks in said village they may notify all owners and occupiers [pante] of any lot or lots or parcels of land adjoining such sidewalks, to construct or repair the same at his or their own proper expense and charge within a certain time designated by delivering to the owners or occupants of said lot or lots or parcels of land, or by publication in a newspaper printed and published in said village for not less than two weeks of a notice to said owners or occupants, setting forth what work is to be done and the character of the same by such owners or occupants and the time within which they are required to do the same.

SEC. 25. If such work is not done and the sidewalks not built or repaired in the manner and within the time prescribed, the village council may order the same to be done at the expense of the lots and parcels of land adjoining said sidewalks, and said expenses shall be assessed upon such lots and parcels of land so chargeable by the village council and returned by them and said assessment so made and returned if approved by the common council shall become a lien upon said lots and parcels, as in case of town, county and state taxes.

SEC. 26. All the work for said village exceeding fifty dollars shall be let by contract to the lowest responsible bidder, and due notice shall be given of the time and place of letting such contract and every contract so made shall be commenced within one week of the acceptance of the proposal, unless the village council otherwise determine, *Provided*; That they shall have power to reject all unreasonable bids.

SEC. 27. No moneys shall be appropriated to any purpose whatever, except and not exceeding the sum of fifty dollars, unless it is expressly authorized by a vote of the legal voters of said village.

SEC. 28. All moneys arising from fines, commutations, licenses, etc., shall be paid into the village treasury.

SEC. 29. The village council shall have power and authority—

First.—To regulate the place and manner of selling and to provide for the inspection and weight of hay and coal, and measuring

of charcoal, firewood and other fuel, and to appoint suitable persons to inspect, superintend and conduct the same.

Second.—To compel the owners or occupants of buildings or grounds to remove snow, dirt or rubbish from the sidewalks, streets, alleys opposite thereto; and in their default, by some officer of the village at the expense of the said owners or occupants.

Third.—To regulate and license public auctions and vendues.

Fourth.—To provide by ordinance for a standard of weights and measures, the appointment of a village sealer, and to provide for the punishment for the use of false weights and measures.

SEC. 30. The said village of Easton shall be liable for its proportionate share and interest of any bonds or other indebtedness which has been or may be voted or incurred by those townships for any purpose whatever prior to the time when this act shall take effect or be enforced.

SEC. 31. The farm land not surveyed and platted as town lots embraced within the limits and boundaries of the said village of Easton shall be exempt from attachment levy or sale upon execution or any other process issuing out of any court within this state, except as provided in chapter sixty-eight of the general statutes relating to homestead exemptions, the same as though they were not included in any corporate town, [city or village].

SEC. 32. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER IX.

AN ACT TO INCORPORATE THE VILLAGE OF BLOOMING PRAIRIE, IN THE COUNTY OF STEELE, STATE OF MINNESOTA.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. All that part of the township of Blooming Prairie, in the county of Steele and state of Minnesota, included within the following described limits or boundaries, to-wit: Section (36) thirty-six, section (25) twenty-five, the east ($\frac{1}{2}$) half of section (35) thirty-five, the east ($\frac{1}{2}$) half of section (26) twenty-six, section twenty-four (24), and the east half ($\frac{1}{2}$) of section twenty-three (23), is

township one hundred and five (105), range nineteen (19), is hereby constituted a village by the name and style of the village of Blooming Prairie, and by that name the people now inhabiting, and those who may hereafter inhabit the said district of country, shall be a municipal corporation, possessing all the powers incident to municipal corporations at common law, with perpetual succession, and shall be capable of contracting and being contracted with, of suing and being sued, and of pleading and being impleaded, in all courts of law and equity, and may have a common seal.

SEC. 2. The male inhabitants of said village having the qualifications of electors of members of the legislature of the state of Minnesota, as hereinafter provided, may elect a president, three trustees, a recorder, a justice of the peace, and a constable, who shall hold their respective offices for one year, or until their successors are elected and qualified. And before entering upon the duties of their respective offices they shall each take an oath or affirmation to support the constitution and laws of the state of Minnesota, also an oath of office. The recorder shall act as treasurer, and shall give such bonds as the village council may require. The treasurer shall keep a true account of all moneys by him received by virtue of his office, and the manner in which the same are disbursed, in a book provided for that purpose, and exhibit such account, together with his vouchers, to the village council at its annual meeting, for adjustment; and shall deliver all books and property belonging to his office, and the balance of all moneys in his hands, as such treasurer and recorder, to his successor in office, on demand, after such successor has qualified according to law.

SEC. 3. The treasurer shall, from time to time, draw from the county treasurer such moneys as has been received by the county treasurer for the use of his village, and on receipt of such moneys he shall deliver proper vouchers therefor.

SEC. 4. The treasurer shall, on the Tuesday preceding the annual election for village officers, make out a statement in writing of the money by him received into the village treasury, from officers and other sources, and also of all moneys paid out by him as such treasurer; in which statement he shall set forth particularly from whom and on what account such moneys were received by him, with the amount received from each person or officer, and the date of receiving the same; also, to whom and for what purpose any moneys have been paid out by him, with the amount and date of each payment; he shall also state therein the amount of moneys remaining in his hands as treasurer; such statement shall be filed by him in his office, for the inspection of any person, and shall be carefully preserved and recorded in a book provided for that purpose.

SEC. 5. The president, the three trustees and recorder shall be the

village council of said village, any three of whom shall constitute a quorum for the transaction of any business and shall have full power and authority to enact, adopt, modify and enforce, and from time to time amend or repeal all such ordinances, rules and by-laws as they shall deem expedient for the following purposes, to wit:

First.—To provide for the construction and maintenance of suitable sidewalks, and street crossings, as they shall deem expedient, at the expense of the owners of the lots or parts of lots respectively opposite and adjoining to such sidewalks and crossings.

Second.—To prevent riots, noise, disturbance of meetings or public assemblies whatever, to punish any person or persons who may be engaged in, or in any way connected with the same, and generally to promote and preserve good order and the public peace.

Third.—To prevent the encumbering of streets, sidewalks, lanes or alleys with carriages, carts, wagons, boxes, barrels, sleighs, firewood, lumber or any other material or substance whatever.

Fourth.—To restrain the running at large of cattle, swine, sheep, horses, mules and poultry, and to authorize the impounding, detaining and sale of the same.

Fifth.—To prevent any person from bringing, depositing or having within the village any putrid carcass or other unwholesome substance, to require the removal of the same by any person who shall have the same upon his premises, or by the person who may have put the same thereon; or from any street, lane, public square or alley, and in default to authorize the removal thereof at the expense of such person so required to remove the same.

Sixth.—To prevent open or notorious drunkenness, brawling or obscenity in the streets, alleys or public places, and to provide for the punishment of all persons who may be guilty of the same.

Seventh.—To prevent all persons from doing any damage to sidewalks.

Eighth.—To direct the location and management of slaughter houses and markets in said village and to regulate the sale, storage, conveying and keeping of gunpowder and other combustible materials.

Ninth.—To compel the owners, agents, or lessees of any hog yard or hog pen, stable, privy, sewer, hide yard, slaughter house, markets or any other unwholesome or nauseous house or place, to clean, remove or abate the same from time to time as the village council may deem necessary for the health, comfort and convenience of the inhabitants of said village.

Tenth.—To prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers, boiler stacks and apparatus used in or about any building, and to cause the same to be placed in a safe condition, at the expense of

the owner, or owners; to prevent the deposit of ashes in unsafe places, or the throwing of them into the street; to regulate and prevent the use of fireworks and firearms, and to establish such regulations for the prevention and extinguishment of fires as they may deem expedient; also to adopt such regulations as they may deem proper to prevent the introduction or spread of contagious diseases.

Eleventh.—To establish the grades of streets and cause an accurate profile thereof to be made, a copy of which must be filed in the office of the village recorder.

Twelfth.—To license public showman [showmen] or exhibitions, billiard tables and bowling alleys.

Thirteenth.—To prevent and punish horse racing, immoderate riding or driving in the streets; to compel persons to fasten their horses or mules attached to vehicles while in the streets.

SEC. 6. Said village council shall have full power and authority to declare and impose fines, penalties and punishment, and to enforce the same against any person or persons who may violate any of the provisions of any ordinance, rule or by-law enacted by them, and all such ordinances, rules and by-laws are hereby declared to have the force of law; *Provided*, That they are not repugnant to the constitution and laws of the United States and the state of Minnesota. Fines, penalties and punishments may extend as follows, to-wit: fines, not to exceed one hundred dollars, nor imprisonment to exceed thirty days in the county or village jail. Offenders may be required to give security for their good behavior and to keep the peace for a period not exceeding one year in a sum not exceeding five hundred dollars.

SEC. 7. All ordinances, rules and by-laws shall be enacted by a majority of all the members of the village council, and shall be signed by the president or chairman, attested by the recorder and published once in a newspaper published and printed in said village or posted conspicuously in three public places in said village for ten days before the same shall be in force, and shall be recorded in a book kept for that purpose.

SEC. 8. All prosecutions for violating any of the ordinances, rules, or by-laws, enacted under the provisions of this act, shall be brought in the name of the village of Blooming Prairie, and shall be commenced by warrant upon complaint being made as required by law for criminal cases before justices of the peace; and the same proceedings shall be had thereon as are required to be had by the laws of this state in criminal or civil actions before justices of the peace; *Provided*, No appeal shall be allowed in any case where the fine or penalty imposed is less than twenty dollars. The justice of the peace of the village shall have and possess exclusive and original jurisdiction of all cases arising under the provisions of this act.

SEC. 9. All fines and penalties imposed under or by virtue of the provisions of this act shall belong to the village of Blooming Prairie, and shall constitute a fund to pay the expenses incurred under the provisions of this charter.

SEC. 10. Any five citizens, being freeholders within the corporate limits of said village, and having the qualifications requisite for electors of members of the state legislature may at any time call a meeting of the electors thereof to elect officers, provided for in section two (2) of this act, by posting a notice for ten days prior to the meeting, at the post office and at two more public places within the limits of said village, stating the object of the meeting and the time and place of holding the same, and the electors present at the time and place may organize such meeting by choosing viva voce two judges of election and one clerk, who shall take an oath or affirmation to faithfully discharge the duties required of them; and said judges and clerk being duly qualified, shall forthwith open the polls by proclamation, and conduct the election in the manner prescribed by the statutes of Minnesota, for the election of township officers, and the judges of election shall give to each person elected a certificate of his election within five days after his election.

SEC. 11. After the first election of officers, the village council shall act as judges of election, and the annual meeting for the election of officers shall be held on the second Tuesday in April in each year, at such place in said village as the council may direct, and the polls shall be opened between the hours of ten (10) and eleven (11) o'clock in the forenoon, and close at four (4) o'clock in the afternoon of said day. At the close of the polls the votes shall be counted and a true statement thereof proclaimed to the voters by some one of the judges of election, and the recorder shall make a true copy thereof in a book kept for that purpose, and within five days thereafter shall notify in writing the persons so elected of their election.

SEC. 12. The village council shall give notice of the time and place of holding the annual meeting for the election of officers by posting a notice of the same fourteen days immediately prior to the day of election, at the post office and at three or more public places in said village, or by publishing it for two weeks immediately prior to said election, in a paper published in said village, and may at any time call a special meeting of the electors of the village by publishing or posting a notice as provided in this section for the call of the annual meeting; *Provided*, No subject or question shall be considered or acted upon at any annual or special meeting unless it has been clearly stated in the notice for the call of such meeting.

SEC. 13. A majority of the legal voters of said village may at any annual or special meeting, authorize the village council to levy

a tax upon the taxable property in said village, not exceeding ten mills for every dollar of valuation, for any one year to be expended for such purpose as the voters of said village may direct, and any such tax shall be levied and collected as prescribed by the statutes of this state for the levying and collecting of township taxes.

SEC. 14. The village council shall have the exclusive right to license persons vending, dealing in or disposing of, spirituous, vinous, malt or fermented liquors, within the limits of said village, and persons so licensed shall not be required to obtain a license from the board of county commissioners, and shall not be prosecuted for selling, bartering or disposing of spirituous, vinous, malt or fermented liquors if having first obtained license therefor agreeably to the provisions of chapter sixteen (16) of the general statutes; *Provided*, That no license shall be granted for less than fifty dollars, and that previous to the granting of any such license a bond shall be executed, with the same conditions and with the same penal sum as required by the general act, and the council shall have full power to restrain any person from vending liquors unless duly licensed by the village council of said village.

SEC. 15. The justice of the peace and constable of said village shall have and may exercise in addition to the authority herein specially granted to such officers, all the power and authority in any case possessed by a justice of the peace or constable elected by the said township of Blooming Prairie. The village constable and justice shall take the same oath of office, and execute, before entering upon the discharge of their duties as such officers, the same bonds, and file the bonds with the same parties as justices of the peace and constables, elected by the said township of Blooming Prairie, are now or may hereafter be required to do, and shall receive the same fees for their services as justices of the peace and constables elected by the said township of Blooming Prairie are allowed under the statutes of this state, and the constable may at any time under the direction of the president or a majority of the village council call to his assistance any number of citizens, sufficient to aid him in the suppression of a riot or any public disturbance or to aid him in making arrests.

SEC. 16. Should a vacancy occur in any of the offices provided for in this act, the village council are hereby authorized to fill the same by appointment.

SEC. 17. The village of Blooming Prairie shall be a road district and all taxes raised within the limits of said village for building bridges or public highways, or for repairing the same, shall be expended under the direction of the village council. *Provided*, A village council is elected under the provisions of this act.

SEC. 18. The village council shall constitute a village board of

auditors for the purpose of auditing all accounts payable by said village; and the recorder shall be clerk of said board, and a member thereof.

SEC. 19. The said board of auditors shall meet annually on the Tuesday next preceding the annual village election to be held in said village, and at such other times as they shall deem necessary and expedient for the purpose of auditing and settling all charges against the said village; and they shall state on each account the amount allowed by them, but no allowance shall be made for any account which does not specially state each item of the same, and the nature thereof.

SEC. 20. Said board shall draw up a report stating in detail the items of accounts audited and allowed, the nature of each account and the name of the person to whom such account was allowed, including a statement of the fiscal concerns of the village.

SEC. 21. Such report shall be produced and publicly read by the clerk of the said board at the next ensuing village election; and the whole or a part of such report may be referred by the order of the meeting to a committee of three, whose duty it shall be to examine the report and report thereon to such meeting.

SEC. 22. The amounts of any accounts audited and allowed by the board of auditors, and the amount of any account voted to be allowed by any meeting of the voters of said village shall be paid by the village treasurer, on the order of the said board signed by the president and countersigned by the clerk of said board, and all orders issued to any person by such board for any sum of money due from said village, shall be received in payment of village taxes of said village.

SEC. 23. The village justice shall report quarterly to the village council all the proceedings instituted before him in which the village is interested; and shall at the same time account for and pay over to the village treasurer all fines and penalties collected by him and belonging to said village; and said justice shall be entitled to receive from the county of Steele such fees in criminal cases accruing [occurring] without the village as are allowed to other justices in the county for similar purposes.

SEC. 24. The cost and expense of building, grading, paving or repairing sidewalks shall be at the option of the village council chargeable to the lots fronting on said improvement. Whenever the village council shall deem it necessary to construct or repair any sidewalk in said village, they may notify the owners and occupants of any lot or lots, or parcels of land adjoining such sidewalks to construct or repair the same at his or their own proper expense or charge, within a certain time limited or designated by delivering to the owners or occupants of said lot or lots or parcels of land, or

by publication in a newspaper printed and published in said village for not less than two weeks of a notice to said owners or occupants setting forth what work is to be done and the character of the same, by such owner or occupants, and the time within which they are required to do the same.

SEC. 25. If such work is not done, and the said sidewalks not built or repaired in the manner and within the time prescribed, the village council may order the same to be done at the expense of the lots and parcels of land adjoining such sidewalks and such expense shall be assessed upon such lots and parcels of land so chargeable by the village council and returned by them; and said assessment so made and returned by them, if approved by the council, shall become a lien upon said lots and parcels of land, as in cases of town, county and state taxes.

SEC. 26. All the work for said village exceeding fifty dollars shall be let by contract to the lowest responsible bidder, and due notice shall be given of the time and place of letting such contract, and every contract so made shall be commenced within one week of the acceptance of the proposal unless the village council otherwise determine. *Provided*, That they shall have power to reject all unreasonable bids.

SEC. 27. No money shall be appropriated to any purpose whatever, except and not exceeding the sum of fifty dollars, unless it is expressly authorized by a vote of the legal voters of said village.

SEC. 28. All moneys arising from fines, commutations, licenses, &c., shall be paid into the village treasury.

SEC. 29. The village council shall have power and authority:

First.—To regulate the place and manner of selling and to provide for the inspection and weight of hay and coal, and measuring of charcoal, firewood and other fuel, and to appoint suitable persons to inspect, superintend and conduct the same.

Second.—To compel the owners or occupants of buildings or grounds to remove snow, dirt, or rubbish from the sidewalks, streets, alleys opposite thereto, and in their default by some officer of the village at the expense of such owners or occupants.

Third.—To regulate and license public auctions or vendues.

Fourth.—To provide by ordinance for a standard of weights and measures, the appointment of a village sealer, and to provide for the punishment for the use of false weights or measures.

SEC. 30. It shall be lawful for the village council to purchase, in the name of the said corporation, a suitable piece of land, not exceeding ten acres, either within or without the limits of the village, for cemetery purposes, and may cause the same to be surveyed and a plat thereof made and filed with the recorder of said village, and at the expense of the said village, whenever the legal voters of said village,

by vote, shall direct them so to do. They may also sell lots therein, and convey title to the same, and have the care and custody of the grounds. Deeds of lots in said cemetery shall be as other deeds of real estate, except they shall be used for cemetery purposes only, and be signed by the president and the village recorder.

SEC. 31. This act shall take effect and be in force from and after its passage.

Approved March 2, 1874.

CHAPTER X.

AN ACT TO INCORPORATE THE VILLAGE OF NEW TRIER, IN THE COUNTY OF DAKOTA.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. All that part of the township of Hampton, county of Dakota, and state of Minnesota, hereinafter described, shall be known and constitute the village of New Trier, and as such corporation shall have all the powers generally possessed by municipal corporations at common law, and in addition thereto shall possess all the powers hereinafter granted, and by that name may sue and be sued, make contracts, purchase, take and hold real and personal property, and have a corporate seal, alterable at pleasure.

SEC. 2. The territory included in said village of New Trier shall be all of the territory included in said township of Hampton, as follows: The west half of the southwest quarter of section twelve, and another parcel of land commencing on the southeast corner of section eleven, thence running north eighty rods, thence west fifty rods, thence south fifty rods, thence west sixteen rods, thence south thirty rods, thence east sixty four rods to the place of beginning; also, another parcel of land commencing on the northeast corner of section fourteen, running thence west twenty-four rods, thence south twenty-four rods, thence east twenty-four rods, thence north twenty-four rods, to the place of beginning; also, another parcel of land, commencing on the northwest corner of section thirteen, running thence east twenty-four rods, thence south twenty-four rods, thence west twenty-four rods, thence north twenty four rods, to the place of beginning; all

the above lands lying and being in township one hundred and thirteen, north of range number eighteen west, in the state of Minnesota.

SEC. 3. The elective officers of said corporation shall be one president, one recorder, three trustees, one treasurer, one assessor, one justice of the peace, who shall be styled police justice, and one constable, who shall be styled marshal, and they shall each hold their office for the term of one year and until their successors are elected and qualified. In addition to the above mentioned officers, the common council shall have power to appoint and define the duties of such other officers as the said council may deem necessary. All village officers shall be qualified electors of the state.

SEC. 4. Each officer before entering upon the duties of his office, and within ten days after receiving notice of his election, shall give notice in writing of his acceptance of the same to the recorder, and shall take and subscribe before some officer by law authorized to administer oaths, an oath of office to support the constitution of the United States and the constitution of the state of Minnesota, and that he will faithfully perform the duties of his office in accordance with law and the ordinances of said village. And in addition thereto, the treasurer, recorder, justice of the peace and constable, shall each give a bond for not less than four hundred dollars each, to be determined by said council, conditioned for the faithful performance of the duties of their respective offices, which bond be filed with the recorder of said village.

SEC. 5. There shall be an annual election held on the first Monday in April of each year, at which the electors residing within the limits of said village, qualified to vote at town elections, may choose by ballot and by plurality of votes the trustees, treasurer and justices of the peace of said village. The trustees shall act as judges of election in said village, but in case of the absence of either of them any qualified voter of said village may be selected by the voters present to act as such judge. At all village elections held under this act the polls shall be opened at one o'clock in the afternoon, and continue open until four o'clock in the afternoon of the same day; the election shall be by ballot and shall be conducted and governed in the same manner, as near as may be, as township elections. The village clerk shall give such notice of such elections as is provided by law for notice of town elections; *Provided*, That any failure by the clerk to give such notice as aforesaid shall not in any manner invalidate such election. Special meetings may be called at any time by the trustees of said village upon the petition of six legal voters and freeholders of said village, by giving the notice above required, stating the object of such meeting. The first election in said village under this act shall be holden on the first Monday of

April, A. D. 1874, and Nickolas Riplinger, Frank Gores and John Moes, or any two of them shall act as judges of said election, and shall give ten days' notice of such election and the place of holding the same, by posting up three notices of the same in three public places in said village. They shall canvass the votes and issue certificates of election to those having the highest number of votes.

SEC. 6. Said village of New Trier and the remaining portion of the township of Hampton outside of said village, shall, for general election purposes, constitute as heretofore an election district of said Dakota county, and the officers of said township of Hampton shall conduct such general election under the laws of the state; and the said township of Hampton may hold their general and township elections within the corporate limits of the said village of New Trier, if such township shall by majority vote resolve so to do.

SEC. 7. The justice of peace, clerk and treasurer shall respectively possess all the powers, and enjoy all the rights, and be subject to all the liabilities, rules, laws and fees, as far as the same may apply, as such township officers are by the general laws of the state, and their bonds shall run to the trustees of said village and their successors in office. The marshal shall have all the powers and perform all the duties, be under the same liabilities, and receive the same compensation for his services as a township constable, throughout his county. *Provided*, That the trustees shall receive all moneys belonging to said village, keep a just and true account thereof, in a book to be provided by the trustees for that purpose, and shall pay out the same only upon the order of the president of the board of trustees attested by the clerk. He shall settle with the trustees at the close of each year and oftener if required to do so by said trustees. It shall be the duty of the marshal to arrest all disorderly or drunken persons in said village, and for this purpose he shall have all the authority and power of the sheriff of his county.

SEC. 8. A majority of the trustees shall be a quorum for the transaction of business, they shall appoint a clerk, assessor and marshal, and such other officers as may be deemed necessary, and may prescribe by laws the duties of such officers when not defined by law, the trustees may enact ordinances and by-laws for all purposes contemplated in this act, and may affix penalties for violating the same, and they shall be signed by the president and clerk, and be filed and recorded by the clerk, and be posted up in three public places in said village ten days or more.

SEC. 9. It shall be the duty of the assessor to assess all property liable to taxation within the limits of said corporation and in the discharge of his duties he shall be governed by the laws of the state, in the same manner as township assessors.

SEC. 10. The trustees shall report to the auditor of Dakota county, on or before the first day of August, of each year, the amount of general and special taxes levied upon any of the property or lots in said village of New Trier, and it shall be the duty of the county auditor to insert such taxes in the assessment roll of said village, and the same shall be collected by the county treasurer or returned by him as delinquent. And all proceeding in relation thereto, including the selling, conveying and redeeming the same, shall be as in proceedings on account of other property under the laws of this state.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved March 3, 1874.

CHAPTER XI.

AN ACT TO AMEND "AN ACT TO INCORPORATE THE BOROUGH OF NEW ULM AND TO REPEAL ITS PRESENT ACT OF INCORPORATION."

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That section two of chapter four of said act be amended by striking out the words, "*Provided, however, That twenty-five dollars shall be the maximum, and five dollars shall be the minimum for such license,*" where the same occur.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 9, 1874.

CHAPTER XII.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REDUCE THE LAW INCORPORATING THE CITY OF STILLWATER IN THE COUNTY OF WASHINGTON AND STATE OF MINNESOTA, AND THE SEVERAL ACTS AMENDATORY THEREOF INTO ONE ACT AND TO AMEND THE SAME," APPROVED MARCH 3, 1873.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That section two of chapter one of an act entitled "an act to reduce the law incorporating the city of Stillwater in the county of Washington, and state of Minnesota and the several acts amendatory thereof, into one act and to amend the same," approved March third, eighteen hundred and seventy, be amended so as to read as follows :

SEC. 2. That the territory included within the following boundaries and limits shall constitute the city of Stillwater, viz : Beginning at a point in the middle of river Saint Croix on the section line directly east of the northeast corner of section number twenty-one in township number thirty north, of range number twenty west of the fourth principal meridian, thence west along the north line of said section twenty-one and the north line of section twenty to the north east corner of the northwest quarter of said section twenty, thence south on the line dividing the east and west halves of sections twenty, twenty nine and thirty two, to the northeast corner of the southwest quarter of said section thirty two, thence east through the center of said sections thirty and thirty-four [thirty two and the centre of sections thirty three and thirty-four] to a point in the middle of lake or river Saint Croix, thence northerly up the middle of said river or lake including the islands therein to the place of beginning. *And provided,* That the authorities of said city may exercise concurrent jurisdiction with the state of Wisconsin over the waters of the said lake and river opposite said city to the eastern margin of said river and lake, and *Provided further,* That nothing herein contained shall be deemed to exclude any portion of the city of Stillwater from the limits of Washington county.

That section five of chapter three of said act be amended so as to read as follows :

SEC. 5. There shall be a clerk of said city styled the city clerk,

who shall be elected by the city council. He shall keep the corporate seal and all the papers and records of the city and keep a record of the proceedings of the city council. He shall draw and countersign all orders on the treasury, in pursuance of any order or resolution of the city council, and keep a full and accurate account thereof in books provided for that purpose, and make a fair and full record of all the by-laws, rules and ordinances made or passed by the city council. The city clerk shall have power to take acknowledgements and administer oaths and affirmations, and copies of all papers filed in his office, and transcripts of any records in his office certified to by him under the corporate seal, shall be evidence in all courts in like manner as if the original were produced. He shall report annually on or about the first day of May to the council an estimate of the expenses of the city for the current year, and the revenue necessary to be raised therefor, and the fiscal year of the city shall commence on the first of May. He shall make or cause to be made estimates of any work to be done by the city, and countersign all contracts made in behalf of the city, and all certificates of work in behalf of the city by any officer thereof, or any committee of the city council. In connection with the mayor, the clerk upon order of the council, may from time to time borrow for and in behalf of said city such sums of money as may be necessary for temporary purposes, and to anticipate the current revenue only, such loans to be subject to the approval of the city council. He shall examine the reports, books, papers, vouchers and accounts of the treasurer, and shall perform such other duties from time to time as the council may direct. All claims before they shall be allowed by the city council, shall be audited and adjusted by a committee of the city council appointed for that purpose. The city clerk shall keep a record of all his acts and doings, which record shall be at all times open to the inspection of all parties interested. He shall not be directly or indirectly interested in any contract or job to which the city is a party, or in any loan negotiated by the city.

That section nine of chapter three of said act be amended and the same hereby is amended to read as follows :

SEC. 9. The city council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and appoint one or more assessors and such other officers as may be necessary to carry into effect the provisions of this act and to prescribe their duties, and to fix the compensation of all officers elected or appointed by them whose compensation is not fixed by this act. The mayor shall receive a salary of three hundred dollars per annum, the city clerk a salary of six hundred dollars per annum, and the aldermen each one hundred dollars per annum. No other or further compensation shall be paid to

said officers or either of them for any services performed by them as such officers. The treasurer, justice of the peace and constable shall be entitled to the same fees as like officers in towns receive for similar services under the laws of this state. The city attorney shall receive such compensation as the services rendered by him shall be reasonably worth, and the aggregate amount of all fees compensations and emoluments allowed or paid to any and all officers and committees by the city, and the gross amount of all expenditures incurred by said city shall not exceed in any year the tax levied during that year for the support and maintenance of the said city government.

That section seven of chapter three of said act be amended by adding thereto the following:

Provided, That the city council may in case of necessity require the treasurer to transfer any funds in his hands pertaining to any fund not immediately required to be paid out from any such fund, to the credit of any other fund, to be replaced when the same may be required, or is on hand for that purpose, by order to the treasurer, to be entered in the minutes and a copy thereof to be served on the treasurer by the clerk, which shall be the voucher and authority to the said treasurer therefor.

That section two of chapter four of said act be and the same is hereby amended by adding thereto two new sub-sections, to read as follows:

Thirty-eighth.—To establish the land boundaries of said city on lake and river Saint Croix, and to provide that no filling shall be made in said lake, nor building, bank, dirt, stone, piles, or any obstruction or thing whatever, shall be placed within said lake or river, in front of said city, beyond the limits that may be prescribed by the city council of said city, and the said council may require the removal, and in case of a refusal may cause to be removed, any such obstructions or things placed in said lake or river in front of said city, and if necessary may maintain actions against any persons responsible for such obstructions, in courts of competent jurisdiction, to compel such removal.

Thirty-ninth.—The said council may take possession of and appropriate, and therein and thereon construct, establish and maintain within Lake Saint Croix, beyond low water mark, public wharves and levees, and may condemn of the property [on the land side of the said water line, such property] as shall be necessary, and thereon may construct, in whole or in part, such wharves and levees.

That chapter five of said act be and the same is hereby amended so that the same shall read as follows:

CHAPTER V.

SECTION 1. The city council is hereby authorized to lay out, establish and maintain public squares, parks, grounds, lanes, streets, alleys, wharves and levees, and to vacate, change or enlarge the same and to make any and all improvements, and perform all acts in relation thereto necessary for the welfare of said city.

SEC. 2. It may take private property for any of the purposes in the preceding section mentioned as follows: Whenever twenty or more freeholders of said city shall represent to said council by petition that such enterprise or improvement is necessary, and giving therein a general description thereof, and the names of the persons, if known, whose property or interests will be affected thereby, and shall post a copy of their said petition with notice of the time when the same will be presented to said council, and the names of three disinterested freeholders and voters in said city who they will pray the council to have appointed commissioners in two of the most public places in each ward in said city, at least ten days before the same shall be presented, or publish the same in some weekly newspaper published in said city, for at least two successive weeks, before [such] presentment; the said council, upon satisfactory proof that the said petition and notices were duly posted or published as aforesaid, may proceed to consider the prayer of the petitioners. It shall hear all arguments that may be offered for or against the same, or for or against the appointment of the commissioners mentioned in the petition notice. If in the opinion of the said council there is probable cause for belief that the said improvement or enterprise may be desirable and for the best interests of the public, and there is no good cause shown why the commissioners in the notice mentioned should not be appointed, it shall appoint the said persons commissioners. If good cause be shown why the said persons or either of them should not be so appointed then the council shall appoint in the place of the person or persons so disqualified other persons, disinterested freeholders and voters of said city, and shall enter an order in their proceedings requiring the said commissioners to make examination into the subject matter in the said petition referred to, and to make return to said council whether or not the prayer of the said petitioners or any part thereof ought to be granted.

SEC. 3. The clerk shall within three days after such appointment notify the said commissioners thereof in writing, embracing in such notice a copy of the said order with the said petition attached to the copy served upon the first named or chairman of such commissioners. Should the said commissioners, or either of them refuse or be unable to act, the city council shall, at its next regular session,

appoint others in their stead, whom the clerk shall also notify, and a memorandum of such substitute shall be endorsed upon said notice.

SEC. 4. The said commissioners at such time as they may agree upon within thirty days of the time of their appointment shall proceed to view the premises in question. Before proceeding to do so they shall cause to be given at least five days notice of the time and place of such examination, to all the owners and occupants of the property to be taken upon the persons residing thereon, by delivering to them personally a notice or leaving the same at their place of residence; upon non-residents by publishing such notice for two consecutive issues in some weekly paper published in said city.

SEC. 5. At the time and place mentioned in their notice the said commissioners shall meet and hear all that may be offered for or against said enterprise. They shall take all testimony that may be offered, and reduce the same to writing, and each of such commissioners is hereby authorized to administer oaths and affirmations to all persons during the pendency of such proceeding, and examine persons under oath touching any matter embraced within or growing out of said petition.

SEC. 6. The said commissioners shall also ascertain as well as they can from the owners and others what amount of damage will be claimed by parties interested and also what, if anything, will be voluntarily contributed to such improvement, and also what in the judgment of the commissioners the aggregate damages of such improvement will be to the parties interested over and above the benefits thereof. If in the opinion of the commissioners the improvement petitioned for or any part thereof is necessary they shall cause the same to be surveyed and a map and plat thereof made.

SEC. 7. At the next general meeting of the council after such examination or at such other general or special meeting as the council at such first meeting may order the commissioners shall make a report of their proceedings and findings in writing to the said council for its action embracing therein said plat and survey and a description of the property that will be taken or in the judgment of the commissioners will be injured or directly damaged or benefited by such improvement together with the names of the parties owning the same if known.

SEC. 8. Upon the report of the commissioners being submitted the council shall at that or at some meeting by them there and then specified proceed to pass upon the same and shall hear such arguments as may be offered for or against the same. The council may affirm such report in whole or in part or reject the same in the whole or in part and may make any order in the premises it may deem desirable. If the council decide in favor of such improvement or any part thereof then it shall order the commissioners to again proceed to

view the premises and assess the damages and benefits directly resulting therefrom, and in such order it shall designate a time and place when and where the commissioners shall first meet for said purpose.

SEC. 9. The council, if deemed by it expedient, may purchase of the parties owning the same, the property proposed to be taken for said improvement, or any part of the same, and may also agree with parties benefited as to what amount their property shall be assessed for such improvement. They may make such agreement either before or after such property is assessed by the commissioners. Such agreement shall be in writing; shall be signed by the president of the council, clerk, and parties interested, filed in the office of the clerk, and copied in the order book hereinafter mentioned. Said agreement to be valid must be approved by a vote of the said council upon a call of ayes and noes, and must be assented to by at least eight-ninths of all the council elected.

SEC. 10. If no agreement is made between the council and all the parties interested, then the said commissioners shall, at the time and place designated, proceed to again view the premises. They may adjourn from time to time and place to place, until such assessment is completed. They shall hear all parties that may be interested, take such testimony as may be offered, and reduce the same to writing. They shall make a separate assessment of damages and benefits to each particular portion of property or interest directly damaged or benefited. In their assessment of damages to any property or interest, they shall determine and appraise to the owner or owners thereof the value of the same, and the injury arising to them respectively, from the condemnation thereof, which shall be awarded to such owners respectively as damages after making due allowances therefrom for any benefit that may be by them derived from such improvement. In making their assessment for benefits to any property or interest, they shall assess to such property or interest respectively the same, after making due allowance for all damages that the same may sustain from such improvement. If the damage to any property or interest be greater than the benefits received, or the benefit be greater than the damage, in either case the commissioners shall strike a balance and carry the difference forward to another column, so that the assessment shall show what amount is to be received or paid on account thereof, and the difference [only] shall be paid to any person interested.

SEC. 11. If there shall be any building standing in whole or in part upon the land to be taken, the said commissioners shall add to their estimate of damages for the land, and also damages for the building or buildings or the part of any building or improvement necessary to be taken; if the property so taken be owned by any other person or

persons other than the owner of the land, the damages to or for the building shall be assessed separately, granting to the person owner or otherwise the right and authority at his option to remove such portion of said property so to be taken, the value of which shall be assessed by said commissioners, as well as all damages connected therewith and notice of such determination shall be given by said commissioners to the owner or person entitled thereto if known if a resident of the city, either personally or left at the last usual place of abode of the person upon whom service is to be made. In case the owner or person interested therein and entitled to notice as aforesaid is not known to said commissioners, or is a non-resident of the said city of Stillwater, notice of the action of said commissioners to all persons interested in such property may be given by publication thereof in some weekly newspaper published at the city of Stillwater. And such owner or person interested in said property may at any time within twenty days after service of said notice or within ten days from the last publication of said notice, by written notice served upon the clerk of said city council, notify the said city council of his election to take said building or part of any such building at the appraisal so made by said commissioners, and in such case the amount of such appraisal shall be deducted by the said city council from the estimated damages so assessed by said commissioners, and the owner or person entitled thereto shall have such reasonable time for the removal of the building or buildings after the confirmation of the assessment as the said city council may allow. If the owner or person entitled thereto shall refuse to take the building at the appraisal so made by said commissioners, or fail to give notice of his election as aforesaid within the time above limited and prescribed, then no deduction shall be made from the estimated damages aforesaid, and the said city council shall after the confirmation of the said assessment by said city council which they may do, and after the money is collected or otherwise provided and in the hands of the treasurer, to be paid to the owner or person entitled thereto for the damages so appraised, the said city council may proceed to sell such building or buildings or part of such building at public auction for cash, giving at least ten days public notice of the sale by publication in some weekly newspaper published in said city, and cause such building to be then immediately removed, the proceeds of such sale shall be paid to the city treasurer to the credit of the current fund of said city.

SEC. 12. Said commissioners having assessed the benefits and damages of such contemplated improvement as hereinbefore prescribed shall make and file with the city clerk a written report of their proceedings, embracing a schedule and assessment of the ben-

ests and damages in each case, with a particular description of the land and premises proposed to be taken, or which will be directly damaged or benefited by such improvement, with the names of the owners thereof, if known to them, together with a statement of all the costs of such proceeding, and all the evidence by them taken. Upon filing the said report as aforesaid the said clerk shall cause the assessment aforesaid of damages, benefits and costs to be entered in a book to be kept for that purpose, and shall give five days' notice in some weekly paper published in said city, by notice inserted therein for at least two successive issues of such paper, that such assessment has been completed, and that at a meeting of the council to be held at a time specified the said council will meet for the purpose of hearing objections thereto, and that unless sufficient cause be shown the same will be then and there confirmed. All objections to such assessment shall be in writing and filed with the city clerk at least two days before the meeting of the council to be held to take action concerning said report. *Provided*, That nothing herein contained shall preclude the said council from causing a new notice to be given of a meeting of the council for the hearing of the objections to the said assessment, and for confirming the report in manner as before provided for in case the previous notice should be found imperfect, or in case of a defect in the numbers of the council, or for any other reason which shall be satisfactory to said council. The council shall have power to adjourn such hearing from time to time, and shall have power to revise or correct said assessment, and to confirm the same by an order in its minutes, or set aside the same and make a new assessment by other commissioners by it appointed for that purpose after notice to at least five of the petitioners, of its intention to do so.

SEC. 13. Said assessment when confirmed, shall be final and conclusive upon all parties interested therein, except as hereinafter provided. When so confirmed, a copy thereof with the order of confirmation attested by the clerk and president of the council, shall be filed in the office of the said city clerk, who shall proceed to record the same in a book to be kept by him for that purpose, and the benefits so assessed shall be a lien upon the premises so assessed, from the confirmation of said report, and the same shall be assessed against the several tracts of land and the premises affected and inserted in the next annual tax roll, and the same shall be collected as other taxes against real estate, and when so collected shall be paid into the city treasury and be a part of the current fund of said city.

SEC. 14. The said commissioners before entering upon the discharge of their duties, shall severally take an oath that they are freeholders of said city and not interested in the premises proposed

to be taken, and that they will faithfully and honestly discharge the trust reposed in them.

SEC. 15. If the assessment shall be set aside by the council or by the court, the council may proceed to order another or new assessment, shall appoint new commissioners who shall be notified by the clerk as the first, and who shall proceed in like manner as provided for the first, and all proceedings shall be as hereinbefore provided in the first instance, and all parties in interest shall have like rights, and the said council and other city officers shall perform like duties and have like powers in relation to any subsequent assessment as are hereby given in relation to the first.

SEC. 16. When such assessments shall have been confirmed, and no appeal shall have been taken therefrom, or if an appeal shall have been taken when judgment to confirm the assessment shall have been rendered thereon, the same shall be a lawful and sufficient condemnation of the land or property sought to be appropriated, and the order of confirmation of the said council shall be prima facie evidence that all the proceedings precedent thereto were just and regular. After such final proceeding, the said council shall cause to be paid to the owner of such property or his agent, the amount of damage over and above all benefits which may have been awarded therefor, but the claimant shall in all cases furnish an abstract of title showing himself entitled to such damages before the same shall be paid. If in any case the council shall have any doubt as to who is entitled to the damage for the land or property taken, they may require of the claimant a bond to its satisfaction, with good and sufficient sureties, conditioned to hold the city harmless in the premises from all loss, costs and expences the city might sustain should any other person show himself entitled to the said damage or any part thereof. If the owner be unknown or refuse to receive his assessment, the amount thereof may be deposited with the city treasurer for the benefit of such person, and subject to his order, which deposit shall be a sufficient payment of such assessment.

SEC. 17. In all cases the title to property taken and condemned shall be in the city of Stillwater in fee simple.

SEC. 18. When any known owner of any land or premises affected by the proceedings under this chapter shall be an infant or laboring under any other legal disability, his next friend or in his default, the city attorney for said city shall apply to the judge of probate of Washington county, who shall thereupon appoint a guardian for such person, upon whom notice may be served, and with whom proceedings may be had as with other persons under no disability.

SEC. 19. Any person whose property has been appropriated and

who has filed his objection to the assessments as hereinbefore provided for, may at any time within ten days after the filing of the order of the confirmation of the report of the commissioners, appeal to the district court of Washington county. Said appeal may be made by the party appealing by filing a notice with the city clerk, giving a description of the property of the appellant appropriated, the amount of the damages and benefits assessed therefor, and the objections of said appellant to such assessments, and shall serve a copy thereof on the city attorney, and also file a bond in said court to the said city, with such sureties and in sums as the judge of said court will approve, conditioned that if the party appealing shall not succeed in his said appeal he will pay all the costs and damages that may be awarded against him. The city attorney may also appeal from said assessments or any part thereof in behalf of said city when required so to do by twenty freeholders of said city. The city attorney may appeal by serving a notice on the clerk and party or persons whose property is assessed, and from which assessment the appeal is taken, if such parties be residents of said city. If such parties be not residents the said notice may be published in some weekly newspaper printed and published in said city for three successive issues and such publication shall be regarded as sufficient notice.

SEC. 20. In case of an appeal, a copy of the assessment roll as confirmed aforesaid, with the order of confirmation thereof, certified by the clerk at the appellant's expense, shall be filed in the office of the clerk of the court to which such appeal shall be taken, and the cause shall be docketed by such clerk in the name of the party taking the appeal as plaintiff against the city of Stillwater; unless the appeal is taken by the city attorney, in which case it shall be entered as against the party whose property is assessed, and from which assessment the appeal is taken.

SEC. 21. The said cause shall then be at issue, and shall have the preference in the order of trial over all civil causes pending in said court; such appeal shall be tried as other cases on appeal are tried, except that no pleading shall be necessary, and on such the only question to be passed upon shall be whether the city council had jurisdiction in the case, and whether the value of the property specified in the objections is a fair valuation, and the assessment, so far as it affects such property, is a fair and impartial assessment. An appeal from the judgment of the district court shall lie to the supreme court, and upon verdict or assessment judgment shall be entered that upon payment of the verdict or assessment within one year thereafter, the premises in question may be taken for the public use for the purposes of such improvement.

SEC. 22. All acts and parts of acts conflicting with this act are hereby repealed.

SEC. 23. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER XIII.

AN ACT TO AMEND CHAPTER THIRTEEN OF THE SPECIAL LAWS OF EIGHTEEN HUNDRED AND SEVENTY-TWO, ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF DODGE CENTER.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That chapter thirteen of the special laws of Minnesota for the year eighteen hundred and seventy-two, be amended so as to read as follows : All that part of the township of Wasioja, in the county of Dodge and state of Minnesota, included within the following described limits or boundaries, viz. : The east one half of section No. thirty-three, and all of section thirty-four, all in township No. one hundred and seven, range seventeen, is hereby constituted a village by the name and style of the village of Dodge Center, and by that name the people now inhabiting or those who may hereafter inhabit the said district in said county, shall be a municipal corporation, possessing all the powers incident to municipal corporations at common law, with perpetual succession, and shall be capable of contracting and being contracted with, of suing and being sued, and of pleading and being impleaded in all courts of law and equity, and may have a common seal.

SEC. 2. The inhabitants of said village having the qualifications of electors of members of the legislature of the state of Minnesota as hereinafter provided, may elect a president, three trustees, a treasurer and a recorder who shall hold their respective offices for one year or until their successors are elected and qualified ; also a justice of the peace, and a constable, who shall hold their respective offices for two years or until their successors are elected and qualified, and before entering upon the duties of their respective offices they shall each take an oath or affirmation to support the constitution and laws of the state of Minnesota and faithfully discharge the duties of his office. The treasurer shall give such bonds as the village council may require. The treasurer shall keep a true account

of all moneys by him received by virtue of his office, and the manner in which the same are disbursed, in a book provided for that purpose, and shall exhibit such account together with his vouchers to the village council at its annual meeting for adjustment, and shall deliver all books and papers belonging to the office, and the balances of all moneys, as such treasurer, to his successor in office. *Provided, further,* That the treasurer shall not pay out any moneys in his hands except upon the written order of the president of the council attested by the recorder. The treasurer shall, from time to time, draw from the county treasury such moneys as may be due said corporation, for the use of said village, and on receipt of such moneys give proper vouchers therefor.

SEC. 3. The treasurer shall, one week previous to the annual election of village officers, make a detailed statement in writing of the moneys received by him, and the sources from which the same were received, and their respective amounts, and also the amounts paid out by him, and the purposes for which they were paid; such statement shall be filed by him in his office for the inspection of any tax payer residing within the corporate limits of said village.

SEC. 4. The president, the three trustees and recorder, shall be the village council of said village, any three of whom shall constitute a quorum for the transaction of any business, and shall have full power and authority to enact, adopt, modify, enforce, and from time to time amend or repeal all such ordinances, rules and by-laws as they shall deem expedient for the following purposes, viz.:

First.—To provide for the construction and maintenance of suitable sidewalks and street crossings, as they shall deem expedient, at the expense of the owners of the lots or part of lots respectively opposite and adjoining to such sidewalks or crossings.

Second.—To prevent riots, noise, disturbances of public or religious meetings, and to punish any person or persons who may be so engaged, and generally, to promote and preserve good order and the public peace.

Third.—To prevent the incumbering of streets, sidewalks or alleys, with any material or substance, detrimental to the public good.

Fourth.—To restrain the running at large of cattle, swine, sheep, horses, mules and poultry, and to authorize the impounding and distraining of the same.

Fifth.—To prevent open or notorious drunkenness, brawling or obscenity in the streets, alleys, or public places, and to provide for the punishment of all persons so violating the ordinance or ordinances in such cases made and provided.

Sixth.—To prevent all persons from doing damage to sidewalks, shade trees, public wells, cisterns or pumps.

Seventh.—To direct the location and management of slaughter houses and markets in said village, and to regulate the sale, storage and conveyance of gunpowder, or other combustible material.

Eighth.—To compel the owners or agents of any yard, pen, privy, sewer, or any unwholesome or nauseous place, to clean, remove or abate the same as the village council may deem necessary for the health, comfort and convenience of the inhabitants of said village.

Ninth.—To prevent the dangerous construction of chimneys, fire-places, hearths, stoves, stove pipes, ovens, boilers, boiler-stacks, and apparatus in or about any building, and to cause the same to be placed in a safe condition, at the expense of the owner or owners, to prevent the deposit of ashes in unsafe places, or the throwing of them in the street, to regulate and prevent the use of fire-arms, and to establish such regulations for the prevention and extinguishment of fires as they may deem expedient and proper; and may also provide for the sinking of wells, cisterns, or tanks, and furnishing them with pumps or buckets and hose, and may also direct the owners, agents, or lessees of any building or buildings in any exposed part of the village, to procure and keep constantly on hand ready for immediate use, ladders of sufficient length to reach the highest part of their buildings; and pails or buckets, and may also direct that tubs or barrels of water or brine may be kept filled at all times.

Tenth.—The village council may, by a unanimous vote, exempt a limited number of legal voters residents of said village, from highway tax or serving on juries, provided they are members of a fire company organized and regulated under the direction of said village council.

Eleventh.—To license public showmen or exhibitions, billiard-tables and bowling alleys.

Twelfth.—To prevent and punish horse running [racing,] immoderate riding or driving in the streets, to compel persons to fasten their teams attached to vehicles while in the streets.

SEC. 5. Said village council shall have power and authority to declare and impose fines, penalties and punishments, and to enforce the same against any person or persons who may violate any of the provisions of any ordinance, rule or by-law enacted by them, and all such ordinances, rules and by-laws are hereby declared to have the force of law; *Provided*, They are not repugnant to the constitution and laws of the United States and the state of Minnesota.

SEC. 6. All ordinances, rules and by-laws shall be enacted by a majority of all the members of the village council, and shall be signed by the chairman, attested by the recorder, and published once in a newspaper published in the county of Dodge, or posted conspicuously in three of the most public places in said village for ten days, and shall be recorded in a book kept for that purpose.

SEC. 7. All prosecutions for violating any of the ordinances, rules or by-laws enacted under the provisions of this act, shall be commenced by warrant upon complaint being made as required by law in criminal cases before justices of the peace, and the same proceedings shall be had therein as are required to be had by the laws of this state in criminal or civil actions, before justices of the peace. The justices of the peace of the village shall have and possess exclusive and original jurisdiction of all cases arising under the provisions of this act.

SEC. 8. All fines and penalties imposed under or by virtue of the provisions of this act, shall belong to the village of Dodge Center, and shall constitute a fund to pay the expenses incurred under the provisions of this charter.

SEC. 9. Whenever C. D. Tuthill, A. L. Wellman and M. D. Underwood shall receive official notice by the secretary of state of the passage of this act and the approval of the same by the governor of the state, the said C. D. Tuthill, A. L. Wellman and M. D. Underwood shall post notices in three of the most public places in the village, giving at least five days' notice to the legal voters, residents of said incorporated village to meet to organize under the provisions of this act, and elect officers for the ensuing year. And the electors present at the time and place designated in the call, may organize such meeting by choosing, viva voce, two judges of election and one clerk, who, before entering upon the discharge of their duties, shall take and subscribe an oath or affirmation to faithfully discharge the duties required of them, and said judges and clerk being duly qualified, shall forthwith open the polls by proclamation, and conduct the election in the manner prescribed by the statutes of the state for the electors [election] of township officers; and the judges of election shall give to each person elected a certificate of his election, and such officers so elected, after having qualified according to the laws of the state, shall forthwith enter upon the discharge of their duties.

SEC. 10. After the first election of officers, the village council, or any two of them being present, shall act as judges of election, and the annual meeting shall be on the first Tuesday of January for the election of officers; and at such place as may be directed by the village council, after giving ten days' notice thereof, either by posting written notices in three of the most public places in the village, or by publishing such notice in a newspaper printed in said village. The polls shall be opened at one o'clock, P. M. and close at four o'clock in the afternoon of said day. At the close of the polls the votes shall be counted, and a true statement thereof proclaimed to the voters by some one of the judges of election, and the recorder shall make a true copy thereof in a book kept for such purposes;

and within five days notify in writing the persons so elected of their election.

SEC. 11. Special elections may be ordered by the council, but no special election shall be held unless ten days' notice thereof is given, nor shall any subject or question be considered or acted upon unless its objects are clearly set forth and stated in the notice for the call of such meeting.

SEC. 12. The legal voters of said village may at any annual or special meeting, authorize the village to levy a tax for any legitimate object, but in no case shall the tax so levied exceed the sum of two mills upon the dollar valuation in any one year, and all taxes levied, except for improvements of streets, sidewalks and crossings, shall be levied and collected as prescribed by the statutes of the state, for the levying and collecting of township taxes; *Provided*, That the village council shall make an annual return to the county auditor of all taxes levied and assessed by them, and the county auditor shall upon receipt of the same, enter and carry out the said tax or taxes against the property within the said village, and collect the same as other taxes are collected, and when collected, turn over the same to the village treasurer.

SEC. 13. The village council shall have the exclusive right to license persons vending, dealing in, or disposing of spirituous, vinous, malt or fermented liquors within the limits of said village, and persons so licensed shall not be required to obtain a license from the board of county commissioners; *Provided*, The persons so obtaining such license comply with all the requirements, and subject to all the penalties as provided in chapter sixteen of the general statutes of Minnesota; *And provided, further*, That no license shall be granted for less than fifty dollars, nor for a greater sum than two hundred dollars at the discretion of the village council, and that previous to granting of any such license, a bond shall be executed with the same conditions and with the same penal sum as required by the general act, and the moneys received for such license shall be paid to the treasurer of said village and be used to defray the expenses thereof, and the council shall have full power to restrain any person from vending liquors unless duly licensed by the village council of said village; *Provided further*, All licenses granted by the village council shall expire within ten days after the next general election in said village.

SEC. 14. The justice of the peace and constable of said village shall have, and may exercise in addition to the powers and authority herein specially granted to such officers, all the power and authority in any case possessed by a justice of the peace or constable elected in Dodge county. The village justice and constable shall take the same oath of office, and execute, before entering upon the discharge

of their duties as such officers, the same bonds as officers aforesaid, and file the bonds with the same officers as justices of the peace and constables elected elsewhere in Dodge county are now or hereafter may be required to do, and shall receive the same fees for their services as justices of the peace and constables elected elsewhere in the county are allowed under the statutes of the state.

SEC. 15. Should a vacancy occur in any of the offices provided for in this act, the village council or the remaining members thereof may fill the same by appointment.

SEC. 16. The village of Dodge Center shall constitute one road district, and the street commissioner or roadmaster thereof be appointed by the village council, and all taxes raised within the limits of said village for road purposes shall be expended under the direction of the village council.

SEC. 17. The village council shall constitute a board of auditors for the purpose of auditing all accounts payable by said village, said board shall draw up a report, stating in detail the items of accounts audited and allowed, the nature of each account, and the name of the person to whom the account was allowed, and also including a detailed statement of the financial concerns; such report shall be produced and publicly read by the recorder at the next ensuing annual village election.

SEC. 18. The cost and expenses of building, grading, paving or repairing sidewalks shall be at the option of the village council, chargeable to the lots fronting on said improvements. Whenever the village council shall decree it necessary to construct or repair any sidewalk in said village they shall notify all owners and occupants of any lot or lots, or parcels of land adjoining such sidewalks to construct or repair the same at his or their own proper expense and charge, within a certain time designated by delivering to the owners or occupants of said lot or lots, or parcels of land, or by publication in a newspaper printed in said village for not less than two weeks of a notice to said owners or occupants, setting forth what work is to be done, and the character of the same, by such owner or occupant, and the time within which they are required to do it.

SEC. 19. If such work is not done and the sidewalks not built or repaired in the manner and within the time prescribed, the village council may order the same to be done at the expense of the lots and parcels of land adjoining said sidewalks, and said expenses shall be assessed upon such lots and parcels of land so chargeable by the village council and returned by them in their annual return to the county auditor, and said assessment so made and returned, shall become a lien upon said lots and parcels as in case of town, county and state taxes.

SEC. 20. No greater sum of money than one hundred dollars shall be appropriated for any one purpose by the council unless it is expressly authorized by a vote of the legal voters of said village at an annual or special meeting.

SEC. 21. The territory comprised within the prescribed limits of the village of Dodge Center, shall constitute one election district for the election of village officers, but nothing in this act shall be construed as dissevering or separating the above described territory from the township of Wasioja for township purposes, neither shall it prevent the annual town meetings and elections of the township of Wasioja from being holden within the corporate limits of said village of Dodge Center.

SEC. 22. Whenever fifteen legal voters of Dodge Center shall petition the village council in writing, to authorize a vote upon the subject of license, said council shall post written notices in five of the most public places in said village, at least ten days prior to the next succeeding general election, that a vote will be taken on the subject of licensing persons to deal in, and vend spirituous, vinous, malt or fermented liquors. When the notices has been so given, it shall be lawful for the electors of said village on election day to write or print on their ballots the words "license, yes," or the words "license, no," which ballots shall be counted and recorded as votes for village officers are, and if a majority of those voting on the subject of license shall have voted "license, yes," then the village council may license as provided for in section thirteen of this act but if a majority shall have voted "license, no," then said village council shall have no power to grant licenses as aforesaid, and all licenses previously granted to persons dealing in spirituous, vinous or malt liquors, shall cease, and be of no force and effect within ten days thereafter; *Provided*, That at the first election as provided for in section nine of this act, in the notices for the election it shall be distinctly written and form a part of the notices of election, that the question of license or no license for the vending of intoxicating liquors will be submitted to the qualified electors of said village, with the same restrictions and provisions as is prescribed in the preceding part of this chapter.

SEC. 23. The corporation is invested with all powers to carry into full force, virtue and effect, all and every part of this charter of said village, and to carry into execution the same; and shall have power to pass and ordain all and every ordinance necessary to carry out fully the meaning and interest thereof.

SEC. 24. All acts or parts of acts inconsistent with this act, are hereby repealed.

SEC. 25. This act shall take effect and be in force from and after its passage.

Approved February 11, 1874.

CHAPTER XIV.

AN ACT TO AMEND SECTION TWO OF CHAPTER FOUR OF CHAPTER FOURTEEN, OF THE SPECIAL LAWS OF EIGHTEEN HUNDRED AND SEVENTY-TWO (1872), ENTITLED "AN ACT TO INCORPORATE THE VILLAGE OF FERGUS FALLS."

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section two of chapter four of chapter fourteen of the special laws of eighteen hundred and seventy two be amended so as to read as follows:

Sec. 2. The cost and expense of building or repairing sidewalks shall be under the control of the village council, chargeable to the lots fronting on such improvements; *Provided*, That the consent in writing to such improvements of two-thirds of the actual resident-owners of such lots, shall first be filed with the village recorder, in any case where a sidewalk is to be constructed for the first time in front of such lots, but such consent shall not be required for the repair or renewal of such sidewalk. Whenever consent of two-thirds of the actual resident-owners of the lot or lots along any street in said village, to build a sidewalk, is filed as provided for in this section the village council may, in their discretion, require the street commissioner to notify all owners or occupants of any lot or lots, or parcels of land adjoining such sidewalk to immediately construct or repair the same at his or their own proper expense and charge within a certain time, not to exceed one month from the date of such notice, by delivering to the owners or occupants of such lot or lots, or parcels of land, or by publishing in a newspaper printed and published in said village, for a period of two weeks, a notice to said owners or occupants, setting forth what work is to be done and the character of the same by such owners or occupants, and the time in which they are required to do the same. *Provided*, That the provisions of this act shall not apply to any lots or blocks situate south of Hampden avenue, north of Summit avenue, east of Whitford street or west of Union avenue.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 26, 1874.

CHAPTER XV.

AN ACT TO AMEND SECTION THREE OF CHAPTER ONE OF CHAPTER FOURTEEN OF THE SPECIAL LAWS OF EIGHTEEN HUNDRED AND SEVENTY-TWO, ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF FERGUS FALLS, AS AMENDED BY CHAPTER TWENTY OF THE SPECIAL LAWS OF EIGHTEEN HUNDRED AND SEVENTY-THREE.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section three of chapter one of chapter fourteen of the special laws of eighteen hundred and seventy-two, as amended by special laws of eighteen hundred and seventy-three, be amended so as to read as follows:

Sec. 3. There shall be an annual election held in said village on the first Tuesday of April in each year, at which the electors residing within the limits of said village, qualified to vote at town elections, may choose by ballot and by plurality of votes, the president, one recorder, three trustees, one treasurer, one assessor, and one justice of the peace. The trustees shall give ten days' notice of the time and place of holding said elections, by posting up written notices thereof, in three public places of the village, or by causing such notice to be published in one or more of the newspapers printed and published in said village. The election shall be held and conducted in the same manner as town elections, and the laws of this state applicable to elections generally shall apply as far as consistency will admit, and the oath of a vote shall be the same as at town meetings, and false swearing shall be perjury.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER XVI.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF LANESBORO, FILLMORE COUNTY, MINNESOTA, AND THE ACTS AMENDATORY THEREOF.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section one of an act entitled an act to incorporate the village of Lanesboro, Fillmore county, Minnesota, approved March third, eighteen hundred and sixty nine, be and the same is hereby amended so as to read as follows, to wit:

SEC. 1. All that part of the townships of Carrollton and Holt, Fillmore county, Minnesota, included within the following described limits or boundaries, to wit: the northeast quarter and the southwest quarter and the east half of the northwest quarter and the east half of the southwest quarter of section thirteen, and the northeast quarter and the east half of the northwest quarter of section twenty-four in township one hundred and three range ten west, and the northwest quarter and the southwest quarter of section eighteen and the northwest quarter of section nineteen in township one hundred and three range nine west, shall be a village and shall be known by the name of "the village of Lanesboro," and the people now inhabiting and those who may hereafter inhabit within the districts of country herein described, shall be a municipal corporation, by the name of the "village of Lanesboro" and shall have all the general powers possessed by municipal corporations at common law, and in addition thereto shall possess all the powers hereinafter specifically granted and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts of law and equity and may have a common seal.

SEC. 2. That section two of an act entitled an act to amend an act entitled an act to incorporate the village of Lanesboro, Fillmore county, Minnesota, and the acts amendatory thereof, approved March tenth, eighteen hundred and seventy-three, be and the same is hereby amended by inserting after the word "recorder" in the third line of said section the words one treasurer.

SEC. 3. That section sixteen of an act entitled an act to amend an act entitled an act to incorporate the village of Lanesboro, approved March fourth, eighteen hundred and seventy, be and the

same is hereby amended by adding thereto the following subdivisions to-wit:

Fifth.—To establish the grades of the streets and cause them to be graded as the council may deem most expedient, at the expense of the owners of lots or parts of lots respectively fronting upon such streets and any lot or lots lying side to any street shall be deemed to be fronting the said street.

Sixth.—To prohibit the running at large of dogs and to impose fines upon the owners and to authorize the destruction of the same, when at large contrary to any ordinance passed by the village council of the said village.

SEC. 4. All acts and parts of acts inconsistent with this act, are hereby repealed. This act shall be deemed a public act and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER XVII.

AN ACT TO AMEND THE CHARTER OF THE CITY OF WABASHA.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the charter of the city of Wabasha, as comprised in an act entitled "an act to amend the charter of the city of Wabasha, approved March fifth, eighteen hundred and sixty-nine" shall be amended as follows:

SEC. 2. That subdivision nine of section one of chapter six of the said charter of the city of Wabasha, be amended to read as follows:

Ninth.—To impose license upon dogs kept within the city of Wabasha; to prevent dogs running at large with or without license; to impose fines upon the owners and keepers of dogs when not licensed, and to authorize the destruction of dogs when at large without license, or contrary to the ordinances of the city of Wabasha.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER XVIII.

AN ACT TO AMEND AN ACT INCORPORATING THE CITY OF SHAKOPEE, APPROVED MARCH THIRD, EIGHTEEN HUNDRED AND SEVENTY, AND THE ACT OF EIGHTEEN HUNDRED AND SEVENTY-TWO AMENDATORY THEREOF.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That section one of chapter five of an act incorporating the city of Shakopee, approved March third, eighteen hundred and seventy, be amended by adding thereto the following: *And provided further*, That no debt shall be incurred or created by the city, the common council, or any officer of the city, except pursuant to the authority expressly given for that purpose; and no order or orders shall be issued upon the city treasury exceeding the amount of tax collected or assessed, and in process of collection, for the purpose named in this section.

SEC. 2. That section two of said chapter five be amended so as to read as follows :

Sec. 2. The common council shall have power to levy a special tax upon all the taxable property in the city, or of the different wards of the same, for the purpose of constructing, maintaining bridges and culverts, and opening, constructing, maintaining and repairing roads, highways, streets and alleys; for the construction of reservoirs, cisterns, sewers, drains, and [street] gutters, and grading of streets, and for other purposes conducive to good order and cleanliness and to protection against crime, disease and fire. *Provided*, That such taxes in no year exceed five mills upon a dollar of the assessed valuation. *And provided further*, That for the improvements in this section mentioned, the common council shall have power to assess the tax to pay the same upon the ward or wards benefited by such improvement, in such manner and to such extent as the common council may think just and equitable. The tax shall be apportioned upon a cash valuation of the property which it shall be determined is liable to assessment for such improvements. The common council may, by a vote of two-thirds of those present and voting, issue the bonds of said city, bearing interest not exceeding ten per cent. per annum, in such amounts and under such regulations as the common council may prescribe, for a term not exceeding two years; or, they may issue orders

drawn, upon the city treasury, bearing interest not exceeding ten per cent. per annum, for all purposes named in this section; or, they may issue both bonds and orders. *Provided*, That the amount of such bonds and orders, with the interest accruing [accruing] thereon, shall not exceed four-fifths of the amount authorized by this section, to be levied in the same or succeeding year to that in which such bonds and orders are issued.

SEC. 3. That section four of chapter eight of said act of incorporation be amended so as to read as follows:

Sec. 4. If said assessments be not paid to the city treasurer on or before the twentieth day of August in any year, a penalty of twenty per cent. shall attach thereto, and the common council shall cause a statement of the same to be transmitted, with the city taxes levied for that year, to the auditor of the county of Scott, on or before the first day of September in each year, and the said auditor shall insert the same with the other taxes in the duplicate statement of taxes annually transmitted by him to the county treasurer for collection and payment thereof enforced with and in like manner as county and state taxes are collected and payment thereof enforced. The common council may at any time for the purpose of anticipating the levy and collection of such assessments and of meeting the demands against the city for such improvements by vote of two-thirds of those present and voting, issue the bonds of said city in such form, amounts and under such regulations as they may prescribe, for a time not exceeding two years and bearing interest not exceeding ten per cent. per annum, or the common council may issue orders drawn upon the city treasury bearing interest not exceeding ten per cent. per annum, and the proceeds thereof shall be applied to the purposes aforesaid, and the collections from such assessments in anticipation whereof they were issued shall stand appropriated and pledged for the payment of the principal and interest of the same.

SEC. 4. That sections six and fifteen of said act of incorporation be amended by striking out the word "clerk" in each of said sections, and inserting in lieu thereof the word "recorder."

SEC. 5. That section three of chapter thirty-two of the special laws of eighteen hundred and seventy-two, be amended so as to read as follows:

Sec. 3. That section eight of chapter three of the original act of incorporation, is hereby amended so as to read as follows:

SEC. 6. That section seven of said act of incorporation is hereby repealed.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER XIX.

AN ACT TO AMEND AN ACT TO INCORPORATE THE VILLAGE OF RUSH CITY, AND TO PROVIDE FOR ELECTION THEREIN, APPROVED MARCH EIGHTH, EIGHTEEN HUNDRED AND SEVENTY-THREE.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section two of an act entitled an act to incorporate the village of Rush City and to provide for elections therein, approved March eighth, eighteen hundred and seventy-three, be and the same is hereby amended so as to read as follows:

Sec. 2. The territory included in the following limits and boundaries shall constitute the village of Rush City, to-wit: The east half of section twenty-one and the west half of section twenty-two, township thirty-seven, range twenty-one. Section six of chapter two of said act is hereby amended so as to read as follows:

Sec. 6. The first election of officers in said village shall be held the second Tuesday of April, A. D. eighteen hundred and seventy-four, and annually thereafter on the second Tuesday of April, at which time the electors of said village, qualified to vote at town elections, may elect by ballot, by plurality of votes, five trustees, one village justice, one recorder, one treasurer, one assessor, one marshal, one attorney, and one village overseer of highways for each ward district. The village council shall give ten days' notice of the time and place of holding said elections by posting up printed or written notices thereof in three public places in the village, and by causing such notice to be published in one newspaper printed and published in said village, if there be any. The elections shall be held and conducted in the same manner as town elections, and the laws of the state governing elections generally shall apply as far as consistency will admit, and the oath of a voter shall be the same as at town meetings, and false swearing shall be perjury. The village council shall meet on the first Monday after their election, and monthly thereafter during their term of office. The said village of Rush City and the remaining portion of the township of Rushseba outside of said village shall, for general election purposes, constitute heretofore an election district of said Chisago county, and the officers of said township of Rushseba, shall conduct said general elections and make returns thereof as is prescribed by the general election laws of the state. And the said township of Rushseba may

hold their general and township elections within the corporate limits of said village of Rush City.

SEC. 3. Section seven of chapter two of said act is hereby amended so as to read as follows :

SEC. 7. That for the purpose of the first election under this act, W. H. Wyncoop, Joseph Ruppig and J. J. Squires shall be inspectors of election and also the board of canvassers of said election, and shall perform all of the duties of and possesses [possess] all the powers of inspectors of elections and board of canvassers provided by this act. They shall appoint the place of holding the polls of said elections and post or publish notice thereof ten days before the same. And if for any cause the first election shall not be had at the time when by the provisions of this act it shall be had, the same may be held at any other time on notice to be given as aforesaid by the inspectors above named ; all subsequent elections shall be conducted by the village council who shall be inspectors of such elections.

SEC. 4. That the second subdivision of section 1 of chapter 4, beginning with the words : "*First*—To license and regulate, etc.," be and the same is hereby amended so as to read as follows to-wit: "*First*—To license and regulate the exhibition of common showmen and shows of all kinds, to license and regulate all auctioneers, billiard tables, pigeon hole tables, nine or ten pin alleys, bowling saloons, butcher shops, butcher stalls, and venders of butchers meat, pawn-brokers, insurance officers and agencies, hotels, lager beer saloons and victualing houses ; *Provided*, That not less than twenty-five nor more than fifty dollars shall be required to be paid for a druggist license, and the village council shall have the exclusive right to license persons rendering [vending.] dealing in or disposing of spirituous vinous, malt or fermented liquors within the limits of said village, and persons so licensed shall not be required to obtain a license from the board of county commissioners, and shall not be prosecuted for selling, bartering or disposing of spirituous, vinous, malt or fermented liquors if first having obtained license therefor agreeably to the provisions of chapter sixteen of the general statutes ; *Provided*, That no license shall be granted for less than fifty dollars nor more than one hundred dollars, and previous to the granting of any such license a bond shall be executed with the same conditions and with the same penal sum as required by the general act, and the village council shall have full power to restrain any person from vending liquors unless duly licensed by the council of said village, all other licenses shall be not less than one dollar nor more than twenty-five dollars, and the fees of [for] issuing either of the same shall not exceed or be less than one dollar, and such village council may at any time revoke any license granted by this act for misconduct in the course of trade.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER XX.

AN ACT TO AMEND THE CITY CHARTER OF THE CITY OF ST. CLOUD
IN RELATION TO IMMUNITIES OF FIREMEN.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Section three of chapter seven of said act, is hereby amended so as to read as follows: The common council shall have power to purchase fire engines and all other apparatus which may be required for the extinguishment of fires, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the proper support and regulation of the same, and to order such companies to be disbanded, their public meetings to be prohibited and their apparatus to be given up. Each company shall have not to exceed seventy-five members, and shall be formed by voluntary enlistment, and each member of such company or companies shall be exempt from poll tax, from serving on juries, and from military duty during the continuance of such membership; and such members, after five years continuous service in such company or companies, shall be thereafter free from poll taxes, service on juries, and military duty, except in cases of invasion or insurrection.

Sec. 2. This act shall be in force from and after its passage.

Approved February 17, 1874.

CHAPTER XXI.

AN ACT TO AMEND SECTION ONE OF CHAPTER TWENTY-ONE, OF THE SPECIAL LAWS OF EIGHTEEN HUNDRED AND SEVENTY-THREE, ENTITLED AN ACT TO AMEND SECTION TWO, OF CHAPTER ONE, SPECIAL LAWS OF EIGHTEEN HUNDRED AND SEVENTY, ENTITLED AN ACT TO INCORPORATE THE CITY OF DULUTH.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That section one of chapter twenty-one of the special laws of eighteen hundred and seventy-three be, and it is hereby amended so as to read as follows :

Section 1. That section two (2) of chapter one of the special laws of eighteen hundred and seventy, be amended by adding thereto the following : And also lot number three, and the west half and the northeast quarter of section thirteen, in township fifty north of range fourteen west.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 24, 1874.

CHAPTER XXII.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND THE CHARTER OF THE CITY OF WINONA."

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That subdivision twelfth of section two, of chapter four of the act entitled "An act to amend the charter of the city of Winona," approved March first, eighteen hundred and sixty-seven, be hereby amended so as to read as follow :

Twelfth.—To direct the location and management of slaughter houses and markets in said city, to regulate the sale, storage, keeping and conveying of gunpowder and other combustible, inflam-

mable or explosive substances, and to provide for the analysis and testing of all kerosene, coal oil and other fluids designed for illuminating purposes, that may be kept for use or offered for sale in said city, and to prohibit the sale or use within the limits of said city of any kerosene, coal oil or other fluid designed for illuminating purposes unless the same shall have been subjected to such analysis and testing and found to conform to the certain standard of non-explosiveness to be fixed by the city council.

SEC. 2. That subdivision eighteenth of said section and chapter of said act be so amended as to read as follows :

Eighteenth.—To license, regulate and tax merchants, retailers, taverns, groceries, ordinaries, gift sales, hawkers, auctioneers, peddlers, pawnbrokers and money changers.

SEC. 3. That subdivision thirty-first of said section of said chapter of said act be amended so as to read as follows :

Thirty-first.—To establish, support and regulate a police force and night-watches, and to provide for the punishment of persons resisting or refusing to assist policemen or other city officers in the performance of their duties.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 2, 1874.

CHAPTER XXIII.

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE CITY OF MANKATO.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the corporate limits of the city of Mankato are hereby extended so as to include all of the territory and land in the county of Blue Earth and state of Minnesota, embraced within the following boundaries, to-wit : Commencing at a point on the town line in the centre of the Minnesota river where the north line of town 108, range 27, crosses said river, opposite the northwest corner of government lot 5, in section 1, town 108, range 27; thence east along town line between towns 108 and 109, to the northeast corner of section 6, town 108, range 26; thence

south along the east line of said section 6, to the northwest corner of the southwest quarter of the southwest quarter of section 5, town 108, range 26; thence east to the northeast corner of the southeast quarter of the southwest quarter of said section 5; thence south along the quarter line through sections 5, 8 and 17, to the southeast corner of the southwest quarter of section 17; thence west along the south line of sections 17 and 18, in town 108, range 26, to the northeast corner of the northwest quarter of the northwest quarter of section 19, town 108, range 26; thence south to the northeast corner of the southwest quarter of the southwest quarter of said section 19; thence west to the northwest corner of the southwest quarter of the southwest quarter of said section 19; thence north along section line between section 19, town 108, range 26, and section 24, town 108, range 27, to the southeast corner of the northeast quarter of the northeast quarter of section 24, town 108, range 27; thence west to the centre of the Blue Earth river, opposite the southwest corner of government lot 8, in section 23, town 108, range 27; thence in a general northerly direction along the centre of the Blue Earth river to its junction with the Minnesota river; thence along the centre of the Minnesota river in a general northeasterly direction to place of beginning.

SEC. 2. The territory hereby added to said city of Mankato, and all persons residing thereon, shall hereafter be subject to the jurisdiction, laws and ordinances now or hereafter in force in said city.

SEC. 3. That in consideration of the enlargement of the limits of said city of Mankato, as is by this act provided, the said city shall be and is hereby obligated to pay, and shall pay, a just and rateable proportion of the indebtedness of the township of Mankato (from which such enlargement was taken), caused, or which may be caused by the issuing of certain bonds and coupons which were voted by said township of Mankato, on the fourth day of November, one thousand eight hundred and seventy-three, in aid of the construction of the Blue Earth city line of the St. Paul and Sioux City Railroad Company, and such just and rateable proportion of said indebtedness shall be determined by and from the last annual valuation of the property of said township of Mankato, prior to the voting of said bonds.

SEC. 4. This act shall only take effect and be in force after its passage, and after its acceptance by a majority vote of the common council of said city of Mankato, duly entered upon the records of said city of Mankato.

Approved March 5, 1874.

CHAPTER XXIV.

AN ACT TO AMEND AN ACT, ENTITLED "AN ACT TO INCORPORATE THE BOROUGH OF LE SUEUR, IN THE COUNTY OF LE SUEUR, APPROVED MARCH NINTH, EIGHTEEN HUNDRED AND SIXTY-SEVEN, BY ADDING THE FOLLOWING SECTION TO SAID ACT:

Be it enacted by the Legislature of the State of Minnesota:

SEC. 32. The borough council shall have power and authority to charge for and collect a license fee for all licenses issued by them.

SEC. 33. The council shall audit all claims against the borough, and shall by resolution authorize and empower the clerk to draw the proper order on the borough treasurer for such sums as shall be by them allowed, without an ordinance therefor, publication or any other or further act whatsoever.

SEC. 34. That in any action brought before a "justice of the peace" or in the district court, under an ordinance or the general law, wherein the borough of Le Sueur is a party, either party shall have the right to appeal to the district court from the judgment of a justice, or to the supreme court from a judgment of the district court, and such appeal shall conform to the general statutes regulating appeals.

SEC. 35. All acts and parts of acts inconsistent herewith, are hereby repealed.

SEC. 36. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER XXV.

AN ACT TO AMEND SECTION ONE OF CHAPTER EIGHT OF THE SPECIAL LAWS OF THE YEAR A. D. EIGHTEEN HUNDRED AND SEVENTY ONE.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section one of chapter eight of the special laws of the year A. D. eighteen hundred and seventy-one, be and the same hereby is amended so as to read as follows:

Section 1. That all of the district of county known and described as the northwest quarter and the north half of the northwest quarter of the southwest quarter of section nine in township one hundred and fifteen, of range twenty three west, and the east half of the northeast quarter and the north half of the northeast quarter of the southeast quarter of section eight in township one hundred and fifteen, and range aforesaid, (except the following described part and parcel thereof to-wit: all that part south of Main street and Levee street in the village of Chaska hereinafter named lying between Hickory and East street in said village in lot five, section nine (9) and in the northeast quarter of the southeast quarter of section eight, township one hundred and fifteen, range twenty-three which is excepted from the operation of this act,) be and the same is hereby created a village by the name of Chaska, and the people who do now or hereafter may reside within the said village are hereby created a corporation for municipal purposes with perpetual succession under the name and style of the village of Chaska, and as such corporation shall possess and enjoy all the powers, rights and privileges, which can now or hereafter be possessed and enjoyed by corporations for municipal purposes, under the constitution and laws of this state.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER XXVI.

AN ACT TO AMEND AN ACT OF THE LEGISLATURE OF THE STATE OF MINNESOTA, ENTITLED AN ACT RELATING TO THE TOWN OF ALBERT LEA, APPROVED MARCH SECOND, EIGHTEEN HUNDRED AND SEVENTY, BEING CHAPTER THIRTEEN OF SPECIAL LAWS OF MINNESOTA FOR EIGHTEEN HUNDRED AND SEVENTY, AND TO ADD CERTAIN NEW SECTIONS TO SAID ACT.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That subdivision "third" of section one of an act entitled "an act relating to the town of Albert Lea," approved March second, one thousand eight hundred and seventy, be and the same is hereby amended by adding thereto the following, to-wit: And to compel the owner or occupant of lots or parts of lots respectively, on either side of Broadway, in said town, between Clark and Main streets, and on either side of Clark street, in said town, between Washington and Elizabeth streets, to clear the sidewalks in front of their lots or parts of lots, respectively, of snow or any other obstruction.

SEC. 2. That subdivision twelfth, of section one of said act as amended by section two of an act entitled an act to amend an act entitled an act relating to the town of Albert Lea, approved March sixth, eighteen hundred and seventy-one, be amended so as to read as follows: To provide for the construction and maintenance of suitable sidewalks and crosswalks on both sides of Broadway street, Clark street, William street, Water street, and both sides of Main street of the original town site of Albert Lea, in said town, and on the northeast side of Grove street, of Armstrong's addition to Albert Lea, in said town, and to provide for the construction and maintenance of suitable sidewalks on either side of any other of the streets of said town site, when the same is petitioned for by the owners representing more than one-half the distance of the sidewalks to be constructed on the side of such street, or part of such street on which the sidewalk is desired to be constructed and maintained. Said sidewalks to be constructed and maintained by or at the expense of the owner or owners of the lots or parts of lots respectively, opposite or adjoining which any sidewalks may be ordered; *Provided, however,* That when said board of supervisors determine to provide for the construction and maintenance of any sidewalk under the provisions of this subdivision that no ordinance shall be necessary thereto, but the said board may pass a resolution to be entered at large in the minutes of the proceedings of said board in the town record of the clerk, ordering the construction of any such sidewalk, after which the board shall cause notice to be given to the resident-owners of lots or parts of lots opposite which any such sidewalk is ordered to be constructed, to construct the same within such time as may be fixed by the board, which shall be not less, in any instance, than ten days, nor more than thirty days (no notice shall be necessary when the owners of lots are not residents of said town) except when lots are occupied when notice shall be served on the occupant, after which it shall be the duty of the owner of any such lots and all those succeeding him as the owner of any such lot to construct

and forever maintain such sidewalk. Such notice to give the grade, nature and dimensions of the sidewalk ordered constructed. After the expiration of the time fixed for the owner of the lots to construct, if any such sidewalk remain unconstructed according to grade, nature and dimensions fixed in the resolution to construct the same the supervisors may cause to be constructed at the expense of the said town such or any part of such sidewalk as remains unconstructed according to said resolution, and the cost thereof, against or opposite to each lot respectively, shall be certified to the county auditor of said county by the town clerk of said town, and shall become, and be a tax on any such lot or parts of such lots, and be by said auditor carried on to the tax rolls and collected in same manner as other taxes are collected.

SEC. 3. That section one of said act be amended by adding thereto the following subdivisions, viz.:

Fifteenth.—To regulate and license the sale at auction of goods, wares and merchandise within said town, and to prohibit the sale thereof at auction without first having obtained a license therefor.

Sixteenth.—To establish a fire limit and to restrain, prohibit and prevent the erection of wooden buildings within such limit, which said fire limit shall be confined to blocks No. fourteen, (14) twenty-one, (21) thirteen, (13) and twenty-two, (22) of the townsite of Albert Lea, Freeborn county, Minnesota, and may be made to include any other block or blocks in said townsite on petition asking therefor of two-thirds the owners of all the lots in any such block or blocks.

SEC. 4. That section four (4) of said act of 1870, be and the same is hereby amended by adding thereto the following, viz.: *Provided*, That in all prosecutions for a violation of any ordinance of said town, it shall be unnecessary to allege in the complaint or to prove the passage of this act or of any such ordinance but the court shall take judicial notice thereof.

SEC. 5. That said act be further amended by adding thereto the following sections:

Sec. 14. Said board of supervisors shall have full power and authority to offer rewards for the apprehension of offenders against any of the ordinances of said town, and for the apprehension of any and all persons committing offenses within the limits of said town against any of the laws of this state.

Sec. 15. The supervisors of said town shall be entitled to the following fee for their official services: For each day necessarily devoted by them to the service of the town in the duties of their offices, one dollar; when attending to business in town besides necessary disbursements, and one dollar and fifty cents; when attending to business out of the town except that when acting as board of

election or board of equalization of taxes, they shall receive two dollars each day; *Provided however*, That no supervisor shall receive more than the sum of sixty dollars for his services as supervisor for any one year. The town clerk of said town when acting on the board of equalization of taxes, shall receive the sum of two dollars per day for the time so employed. The town marshal of said town in addition to the fees hereinbefore provided for, may be allowed such sum or sums as a salary for the performance of those duties for which no compensations is hereinbefore provided for, as the same in the discretion of the board of supervisors shall be reasonably worth. And his salary may be fixed either at the commencement of his term of service or at the end thereof, and in case the town marshal shall become disqualified or be removed before the expiration of the term for which he was appointed, he shall receive a proportionate amount of such salary, viz.: Such a proportion thereof as the time he has served before such qualification or removal bear to one year.

Sec. 16. That the supervisors of said town shall have full power and authority in addition to the special powers hereinbefore granted, to make and pass any by-law or ordinance for the well being of said town, and to preserve the peace and good order of the town, and for the security and good government of said town and for the police regulation of said town and all such by-laws, and all such by-laws and ordinances are hereby declared to have the force of law; *Provided*, They be not repugnant to the constitution and laws of the United States and of this state. Said act of 1870 and all acts amendatory thereof, or supplementary thereto, and all ordinances passed under and in pursuance of said act, or of amendments thereof, or parts of acts supplementary thereto, shall relate to and be in force in the following territory, viz.: In said town of Albert Lea, Freeborn County, Minnesota.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER XXVII.

AN ACT TO AMEND CHAPTER ELEVEN OF THE SPECIAL LAWS OF 1872, BEING AN ACT TO AUTHORIZE THE INCORPORATION OF THE CITY OF FARIBAULT.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That section six of chapter one of said act as the same is amended by section one of chapter 27 of the special laws of 1873, be amended by striking out the word "recorder" in the fourth line thereof, and inserting the word "assessor" in lieu thereof.

SEC. 2. That section eight of said chapter one be amended by striking from the second line of said section the word "mayor."

SEC. 3. That section two, of chapter two, of said act, be amended by adding thereto: "the mayor shall be ex officio a member of the common council and president thereof, and shall have the same right to speak and vote upon all questions as the aldermen elected from the various wards hereinbefore provided for."

SEC. 4. That section four of said chapter two be amended so as to read as follows: at the first meeting of the common council in each year they shall proceed to elect by ballot from their number a vice president, who during the absence of the mayor from the city or his inability from any cause to discharge the duties of his office, shall exercise all the powers and discharge all the duties of the mayor. In case the mayor shall be absent at any meeting of the common council, the vice president shall act as presiding officer for the time being, and discharge the duties of said mayor. The vice president of the common council, or temporary presiding officer, while performing the duties of mayor, shall be styled the acting mayor, and the acts performed by him while acting as mayor as aforesaid, shall have the same force and validity as if performed by the mayor. The mayor and vice president of the common council shall have the right to administer oaths and affirmations.

SEC. 5. That section five of said chapter two, be amended so as to read as follows: the common council shall in the month of April, in each year, elect a recorder who shall be styled the city recorder, and shall keep his office at the place of meeting of the common council, or such other place convenient thereto as the council may determine. He shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend. Copies of all papers filed in his office, and transcripts from all records of the common council, certified by him under the corporate seal, shall be evidence in all courts as if the original were produced. He shall draw and countersign all orders on the treasurer in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose. The city recorder shall have power to administer oaths and affirmations and take acknowledgements of deeds and other writings.

SEC. 6. That section eight of said chapter two be amended by adding thereto the words "or the mayor of said city."

SEC. 7. That section twelve of said chapter two be amended so as to read as follows: The assessor shall be styled the city assessor, and shall perform all the duties in relation to the assessing of property for the purpose of levying of all city, county and state taxes. And upon the completion of the assessment roll, he shall return the same to the common council, who may alter, revise and equalize the same, as they may deem it just and proper. Said city assessor shall hold his office for one year, and until his successor is elected and qualified.

SEC. 8. That section eighteen of said chapter two be amended by striking out the words, "giving public notice of not less than one week, in such manner as the council may direct."

SEC. 9. That section twenty of said chapter two be amended by inserting immediately before the proviso therein the words, "in the making of which contract, or the terms or conditions thereof, the said officer had by virtue of his official position any vote."

SEC. 10. That section one of chapter three of said act be amended by inserting, next after the words "section one," the words, "The mayor, and."

SEC. 11. That subdivision first of section three of chapter three of said act, as the same is amended by section two of chapter twenty-seven of the special laws of eighteen hundred and seventy-three, be amended so as to read as follows:

First.—To licence and regulate the exhibitions of common showmen and shows of all kinds, and the exhibitions of caravans, circuses, concerts theatrical performances, billiard tables, nine or ten pin alleys and bowling saloons; to grant licenses to and regulate auctions and auctioneers, tavern keepers and victualing house keepers, and all persons dealing in spirituous, vinous and fermented liquors. *Provided*, That no license for dealing in spirituous, vinous or fermented liquors, shall be granted for less than seventy-five dollars or more than one hundred and fifty dollars, and no license shall be granted for a less term than one year, and all licenses shall terminate on the first Monday of May in each year. *And provided further*, That the common council may, in its discretion, grant licenses to persons engaged in the manufacture of malt liquors exclusively to deal in the same, and liquor licenses to druggists, for not less than fifty per cent. of the sum required for licenses of other dealers in liquors.

SEC. 12. That subdivision thirty-second of section three of said chapter three be amended by striking out the word "and" in the fourth line and inserting the word "or" in lieu thereof.

SEC. 13. That section four of said chapter three be amended by

striking out the word "present" in the third and tenth lines, and the words "and posted in three conspicuous places in each ward for two weeks," in the fourth and fifth lines.

SEC. 14. That section seven of said chapter three be amended by inserting in the fourth line thereof immediately after the word "therefor" the words "whenever authorized so to do by the legal voters of said city in accordance with the provisions of section three of chapter four of this act."

SEC. 15. That section two of chapter four of said act be amended by inserting in the fourteenth line next after the words "ward or wards" the words "lot or lots."

SEC. 16. That section eight of said chapter four be amended by adding thereto the following, "said tax may be collected by civil action in the name of the city or in such other manner as the council may by ordinance prescribe."

SEC. 17. That subdivision one of section two of chapter five of said act, be amended by inserting next after the word "made" in the second line the words "unless they can agree with the owner of premises which may be damaged thereby."

SEC. 18. That section six of chapter five of said act, be amended by inserting next after the word "record" in the second line the words "either written or printed or partly written and partly printed."

SEC. 19. That section three of chapter seven of said act, be amended by inserting next after the word expenses in the sixth line the words "together with twelve per cent. of said expenses additional."

SEC. 20. That section eight of chapter nine of said act be amended the same is hereby repealed [repealed.]

SEC. 21. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER XXVIII.

AN ACT TO EXTEND THE JURISDICTION OF THE CITY OF FARIBAULT OVER A PART OF THE CANNON RIVER ROAD, IN RICE COUNTY, FOR CERTAIN PURPOSES.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the city of Faribault is hereby authorized to extend its jurisdiction over so much of the road or highway leading from said city to the Cannon Lake, known as the Cannon River road, as lies between the western boundary of said city and the east end of Cannon Lake, in Rice county, so far as to permit the common council of said city, its officers and agents to widen said part of the road aforesaid to a width not exceeding one hundred feet. Said widening to be made equally upon each, or wholly upon either, or partly upon each side of the center line of said part of the highway aforesaid, and to improve and repair the said part of the highway aforesaid, and its sluices, culverts and bridges, and keep the same in repair in like manner and with like responsibility as if said portion of said highway were a public street of said city, and the cost of such widening and keeping said portion of said highway, its sluices, culverts and bridges in repair, shall be chargeable to and payable out of the general funds of said city.

SEC. 2. That the towns of Warsaw and Wells, in said county, are hereby relieved from the duty of repairing, and from all responsibility for the want of repairs of said portion of said highway or its sluices, culverts and bridges.

SEC. 3. That the common council of said city shall have power to widen to a width not exceeding one hundred feet, that portion of said road lying within the limits of said city between the point of junction of Front and Fourth streets and the western boundary of said city. *Provided*, That whenever it shall be necessary to take any private property for the purpose aforesaid the county commissioners of the county of Rice shall, within ten days after being requested by the common council of the city of Faribault, view the premises and assess the damages which may be occasioned by the taking of private property or otherwise, in making said improvements, and all proceedings on the part of said commissioners shall be conducted in the same manner, and all parties interested shall have the same right as are or may be provisioned or secured by chapter five of an act of the legislature of the state of Minnesota, approved February twenty-ninth, A. D. eighteen hundred and seventy-two, entitled "an act to authorize the incorporation of the city of Faribault," or of any act amendatory thereof.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER XXIX.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO PROVIDE FOR THE FUNDING OF THE CITY DEBT OF THE FORMER CITY OF WEST SAINT PAUL, IN DAKOTA COUNTY, AND FOR OTHER PURPOSES.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That section two (2) of an act entitled "An act to provide for the funding of the city debt of the former city of West Saint Paul, in Dakota county, and for other purposes," approved March 11, 1873, be and the same is hereby amended so as to read, after the words "turn over," in the third line thereof, "to the board of supervisors of the town (or city council) of West St. Paul whenever demanded by said board of supervisors (or city council) so to do," instead of the words within thirty days after the passage of this act, to the board of supervisors of the township of West St. Paul, and after the word supervisors, in the ninth line of said section two (2), to read " (or city council) when they shall demand the same," instead of "within thirty days after the passage of this act."

SEC. 2. That all of section eight of said act be stricken out and that the following be inserted instead thereof, to-wit: "Said board of supervisors, or common council of the town or city of West St. Paul, shall then issue in lieu of said old bonds scrip, warrants, or other evidence of debt, as they may find due by the report of said commissioners, or may stipulate for a less sum with the owners thereof than so reported, new bonds, with coupons attached in series running on, or before, three, five and ten years after date and bearing date March second, (2) A. D. 1874, and bearing interest not to exceed the rate of ten per cent. per annum which shall be payable every six months, and with the principal may be made payable at such bank or banks as the board of supervisors (or city council) of the town of [or] city of West Saint Paul may designate therein. Said new bonds shall be signed by the chairman of the board of supervisors (or mayor of the city) of West St. Paul, and countersigned by the town or city clerk thereof. It shall be the duty of said board (or common council) immediately after the surrender of these old evidences of debt, to cancel and destroy the same, except the improvement certificate[s] heretofore issued by the proper authorities of the former city of West St. Paul, which said certificates shall be filed in the

office of the town or city clerk of West St. Paul by the owners thereof, and the amount of tax and penalty mentioned in, or that may be due upon, said certificates shall be a lien in favor of the owners thereof, upon the real estate in said certificates mentioned and described. And if not paid into the treasury of said town or city by the time of the next return of delinquent taxes by the said town (or city) to the county auditor, the said amount in each of said certificates mentioned remaining unpaid, shall then be returned to the county for collection as delinquent. Whereupon it shall be the duty of the county auditor to extend the same on his rolls against said property in said certificates mentioned, for collection; and if not paid within the time prescribed by law, then the same shall become a lien on said real estate, and said real estate shall be subject to all the penalties and charges, as property delinquent for taxes for county and state purposes. All moneys collected or paid in as due upon said improvement certificates, shall be paid to the owners thereof as fast as collected. *Provided*, That said improvement certificates shall not exceed in the aggregate, for the principal thereof, twenty-five hundred dollars (\$2,500).

SEC. 3. The failure from any cause of the commissioners or any other officers in said act mentioned, to comply with said act, in regard to the time in which they were to perform any of their said duties, or in the said act required, shall in no wise impair or affect the validity or legality of said new bonds so issued by said board of supervisors, or common council of the town or city of West Saint Paul, but the same shall in all respects be as though they had performed all of their said duties, within the time specified in said act; *Provided*, Said commissioners shall have met once a month for six consecutive months, and shall have given due notice of the purpose, time and place of their meeting as in said act required, in at least three daily newspapers, published at the capital of the state, and which said notice shall have been published at least five consecutive days in said [daily] newspapers.

SEC. 4. This act shall take [effect] and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER XXX.

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF WILKIN TO ISSUE THE BONDS OF SAID COUNTY TO FUND THE FLOATING DEBT OF SAID COUNTY.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the board of county commissioners of Wilkin county, are hereby authorized and empowered to issue at any time prior to the first day of January, A. D. eighteen hundred and seventy-five, the bonds of said county with interest coupons attached, not exceeding in amount the sum of three thousand dollars, to fund the present floating indebtedness of said county, which said bonds shall be used for no other purpose whatever.

SEC. 2. Said bonds shall be in sums of not less than twenty-five dollars nor more than one thousand dollars each, and may bear interest at a rate not exceeding twelve per cent. per annum, payable annually, and the principal payable at such time or times not less than two years nor more than ten years after the date of said bonds, as said board of county commissioners shall by resolution provide.

SEC. 3 The bonds issued under the provisions of this act shall be signed by the chairman of the board of county commissioners of said county, and be attested by the auditor of said county and sealed with his seal, and the said auditor shall keep a record of all bonds issued under the provisions of this act.

SEC. 4. The proper authorities of said county shall annually include in the general tax an amount sufficient to pay the interest on said bonds as may be issued, and when the principal or any part thereof is about to become due a sufficient amount to pay such principal.

SEC. 5. The said board of county commissioners shall not have authority to negotiate said bonds for less than ninety-five per cent. of their par value.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER XXXI.

AN ACT TO PROVIDE FOR THE FUNDING OF THE FLOATING DEBT
OF CROW WING COUNTY, BY THE ISSUANCE OF BONDS.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the board of county commissioners of Crow Wing county in this state, are hereby authorized to issue the bonds of said county in any amount not exceeding the sum of six thousand dollars, to fund the floating debt of said county, said bonds to be issued in sums not to exceed one hundred dollars in amount for each separate bond, and shall bear interest at a rate not to exceed twelve per cent. per annum, said bonds shall be signed by the chairman of the board of county commissioners, and shall be attested under the seal and by the auditor of said county, whose duty it is hereby made to keep a record of said bonds in a suitable book kept for that purpose.

SEC. 2. The said bonds shall run not less than one nor more than six years from their date, and the board of county commissioners shall provide by taxation each year for the payment of the interest on said bonds, which may have interest coupons attached, and for the payment of the principal as the same shall become due, and such tax shall be levied and collected in the same manner that other county taxes are levied and collected.

SEC. 3. The bonds authorized to be issued by this act shall not be negotiated or in any manner disposed of for less than their par value.

SEC. 4. Any official of said county of Crow Wing, who uses or causes to be used the funds arising from the sale of said bonds for any other purpose of whatsoever nature other than the payment of the outstanding orders of said county of Crow Wing, issued prior to the third Thursday of March, A. D. eighteen hundred and seventy-four, shall be liable to a fine of five hundred dollars, and shall be removed from his office by the governor of this state upon due proof of the misappropriation of said funds.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER XXXII.

AN ACT ENTITLED AN ACT TO AUTHORIZE THE CITY COUNCIL OF THE CITY OF AUSTIN, MOWER COUNTY, MINNESOTA, TO ISSUE BONDS.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the city council of the city of Austin, Mower county, Minnesota, is hereby authorized to issue the bonds of the city of Austin to an amount not exceeding the sum of three thousand five hundred dollars, and use and negotiate the same for the purpose of raising money to pay the indebtedness of said city heretofore contracted. Said bonds and the interest thereon shall be payable at such times and places as the said city council may determine. Said bonds shall be payable within five years from the date thereof, and may draw interest at twelve per cent. per annum, payable annually. The council shall not sell or negotiate said bonds or any of them for a less price than their par value.

SEC. 2. Said bonds shall be signed by the president of the city council, and attested by the city recorder, and shall refer on their face to this act as the authority for issuing the same, and may be issued in such sums as the council may see fit. It shall be the duty of the city council of said city of Austin to levy a tax in the same manner as the other taxes are levied by it upon the taxable property of said city to meet and pay the interest and principal of said bonds as the same shall become due.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER XXXIII.

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF ISANTI COUNTY TO ISSUE THE BONDS OF SAID COUNTY TO FUND THE FLOATING DEBT OF SAID COUNTY.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the board of county commissioners of Isanti county are hereby authorized and empowered to issue at any time prior to the first day of January, one thousand eight hundred and seventy-five, the bonds of said county not exceeding in amount the sum of five thousand dollars, to fund the present floating indebtedness of said county, which said bonds shall be used for no other purpose whatever.

SEC. 2. Said bonds shall be in sums of not less than twenty-five dollars, nor more than one thousand dollars each, and may bear interest at a rate not exceeding twelve per cent. per annum, payable annually, and the principal payable at such time or times not less than three nor more than ten years after the date of said bonds, as said board shall by resolution provide.

SEC. 3. The bonds issued under the provisions of this act, shall be signed by the chairman of the board of county commissioners of said county, and shall be attested by the auditor of said county and sealed with his seal, and the said auditor shall keep a record of all bonds issued under the provisions of this act.

SEC. 4. The proper authorities of said county shall annually levy a sufficient tax upon the taxable property in said county to pay the interest on said bonds as they may be issued, and for creating a sinking fund for the payment of the principal, said bonds shall be made payable either in New York, St. Paul or Minneapolis as said commissioners may prescribe.

SEC. 5. The said board of county commissioners shall not have authority to negotiate said bonds for less than ninety cents on the dollar.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved February 16, 1874.

CHAPTER XXXIV.

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF JACKSON COUNTY TO ISSUE THE BONDS OF SAID COUNTY TO FUND THE FLOATING DEBT OF SAID COUNTY.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the board of county commissioners of Jackson county are hereby authorized and empowered to issue at any time prior to the first day of September, one thousand eight hundred and seventy-four, the bonds of said county, with interest coupons attached, not exceeding in amount the sum of twenty-five hundred dollars to fund the present floating indebtedness of said county, which said bonds shall be used for no other purpose whatever.

SEC. 2. Said bonds shall be in sums of not less than twenty-five dollars nor more than one thousand dollars each, and may bear interest at a rate not exceeding twelve per cent. per annum, payable annually, and the principal payable at such time or times not less than three years nor more than seven years after the date of said bonds as said board of county commissioners shall by resolution provide.

SEC. 3. The bonds issued under the provisions of this act shall be signed by the chairman of the board of county commissioners of said county, and be attested by the auditor of said county, and sealed with his seal; and the said auditor shall keep a record of all bonds issued under the provisions of this act.

SEC. 4. The proper authorities of said county shall annually include in general tax an amount sufficient to pay the interest on said bonds, as may be issued, and when the principal or any part thereof is about to become due, a sufficient amount to pay such principal.

SEC. 5. The said board of county commissioners shall not have authority to negotiate said bonds for less than [their] par value.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 2, 1874.

CHAPTER XXXV.

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF LAC QUI PARLE COUNTY TO FUND THE FLOATING DEBT OF SAID COUNTY.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the board of county commissioners of Lac qui

Parle county are hereby authorized and empowered to issue at any time prior to the first day of January, A. D. eighteen hundred and seventy-five, the bonds of said county with interest coupons attached, not exceeding three thousand dollars, to fund the present floating indebtedness of said county, which said bonds shall be used for no other purpose whatever.

SEC. 2. Said bonds shall be in sums of not less than twenty-five dollars nor more than one thousand dollars, and shall bear interest at a rate not exceeding twelve per cent. per annum payable annually at such time or times not less than five years nor more than ten years after date of said bonds as the board of county commissioners shall by resolution determine.

SEC. 3. The bonds issued under the provisions of this act shall be signed by the chairman of the board of county commissioners of said county and attested by the auditor of said county and sealed with his seal, and the auditor shall keep a record of bonds issued under the provisions of this act.

SEC. 4. The proper authorities of said county shall annually include in a general tax an amount sufficient to pay the interest on said bonds as may be issued and when the principal or any part thereof is about to become due a sufficient amount to pay such principal.

SEC. 5. The said board of county commissioners shall not have authority to negotiate said bonds for less than their par value.

SEC. 6. The interest and principal of the bonds issued under the provisions of this act shall be made the provisions of this act shall be made payable at some banking house in the cities of St. Paul or Minneapolis in this state.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 4, 1874.

CHAPTER XXXVI.

AN ACT TO AUTHORIZE SCHOOL DISTRICT NUMBER FIVE, IN THE COUNTY OF NOBLES, TO ISSUE BONDS TO PAY OFF THE OUTSTANDING INDEBTEDNESS OF SAID SCHOOL DISTRICT.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That school district number five, in the county of Nobles, is hereby authorized and empowered to issue bonds for the purpose of raising money to pay off the outstanding indebtedness of said district, in a sum not exceeding nine hundred dollars, and in such denominations as the trustees of said school district may determine.

SEC. 2. Said bonds shall bear interest at a rate not exceeding twelve per cent. per annum, which said interest shall be payable annually, and the principal thereof of said bonds shall be payable in three equal installments of three hundred dollars, at the end of the second, third and fourth [years,] from the date of their issue.

SEC. 3. Said bonds shall not be issued or negotiated for less than their par value.

SEC. 4. The board of trustees of said school district shall, on or before the tenth day of October next after the date of the issue of said bonds, and each and every year thereafter, on or before the tenth day of October, until the payment of said bonds and interest is fully provided for, levy and in due form certify to the auditor of the county of Nobles a tax upon the taxable property of said school district equal to the amount of principal and interest maturing next after said levy, and in the discretion of the said board of trustees, such further sum as it shall deem expedient, not exceeding twenty per cent. of each [such] maturing bonds and interest, which taxes shall be paid in money, and shall constitute a fund for the payment of such bonds and the interest thereof.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved February 24, 1874.

CHAPTER XXXVII.

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY TO ISSUE BONDS TO FUND THE FLOATING DEBT OF SAID COUNTY.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The board of county commissioners of the county of Douglas is hereby authorized to issue the bonds of said county with

interest coupons attached for the purpose of liquidating and funding and in exchange for the floating debt of said county, now due and outstanding, in such denominations as the said county board may determine; the amount of said bonds shall not exceed the sum of five thousand dollars, which said bonds shall be used for no other purpose whatever except as herein specified.

SEC. 2. Said bonds shall be issued on the order of said board of county commissioners, and shall be signed by the chairman of said board and countersigned by the county auditor of said county, and sealed with his official seal; which said county auditor shall keep a record in his office of all the bonds so issued, showing the number, date and amount of such bonds, and the name of the person or corporation in whose favor the same are drawn.

SEC. 3. No bonds issued under the authority of this act shall be negotiated for less than ninety cents on the dollar, and may bear interest not to exceed twelve per cent. per annum, to be paid annually, at such place or places as may be designated by the said board of county commissioners.

SEC. 4. Said bonds shall be made payable at the place or places designated therein, at such times as said board shall determine, not more than ten years from the respective dates thereof.

SEC. 5. The county commissioners of the said county of Douglas shall annually include in their tax levy an amount sufficient to pay the principal and interest to become due within the next succeeding year after such levy, and the same shall be extended by the county auditor upon the tax duplicate of said county in the same manner as other taxes for said county are extended, and shall be collected by the county treasurer and applied by him in the payment of said bonds and interest as the same may become due, and for no other purpose whatever, until the said bonds are wholly paid, principal and interest.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved February 12, 1874.

CHAPTER XXXVIII.

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF OTTER TAIL COUNTY TO ISSUE THE BONDS OF SAID COUNTY, TO FUND THE FLOATING DEBT OF SAID COUNTY.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The board of county commissioners of Otter Tail county are hereby authorized and empowered to issue at any time prior to the first day of January, A. D. eighteen hundred and seventy-five, the bonds of their county to the amount of five thousand dollars, with interest coupons attached, to fund the present floating indebtedness of their said county, which said bonds shall be used for no other purpose whatever.

SEC. 2. Said bonds shall be in sums of not less than twenty-five dollars, nor more than one thousand dollars, and shall bear interest at a rate not exceeding twelve per cent. per annum, payable semi-annually, and the principal payable at such time or times not less than two years nor more than ten years after date of said bonds, as the board of county commissioners of said Otter Tail county shall by resolution determine.

SEC. 3. The bonds issued under the provisions of this act shall be signed by the chairman of the board of county commissioners of said Otter Tail county, and be attested by the auditor of said county, and sealed with his seal, and the said auditor shall keep a record of all bonds issued under the provisions of this act.

SEC. 4. The proper authorities of said county shall annually include in a general tax an amount sufficient to pay the interest on said bonds as may be issued, and when the principal or any part thereof is about to become due, a sufficient amount to pay such principal.

SEC. 5. The said board of said county shall not have authority to negotiate said bonds for less than ninety-five per cent. of their par value.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved February 12, 1874.

CHAPTER XXXIX.

AN ACT TO AUTHORIZE THE CITY OF MINNEAPOLIS TO ISSUE BONDS.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The city council of the city of Minneapolis is hereby

authorized to issue the bonds of the said city of Minneapolis to the amount of twelve thousand dollars, (\$12,000) and appropriate the sum of five thousand dollars (\$5,000) from the proceeds of the sale thereof to take up certain bonds of the east division of said city falling due July first, eighteen hundred and seventy-four, and the balance of the proceeds of such sale to the cancelling of certificates of indebtedness issued for fire department purposes in the East Division of said city.

SEC. 2. That said bonds shall be made payable in the city of New York, at not less than fifteen nor more than twenty years from the date thereof, with interest coupons attached providing for the semi-annual payment of interest at the rate of eight per cent. per annum.

SEC. 3. That said council shall levy and assess sufficient taxes to pay at maturity both principal and interest of said bonds.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER XL.

AN ACT TO AUTHORIZE THE CITY COUNCIL OF THE CITY OF STILLWATER TO ISSUE BONDS TO FUND THE FLOATING INDEBTEDNESS OF SAID CITY.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The city council of the city of Stillwater is hereby authorized to issue the bonds of said city to an amount not exceeding fifteen thousand dollars, for the purpose of funding the floating indebtedness of said city.

SEC. 2. Such bonds shall be issued with interest coupons attached, shall be payable at such times and places as the city council may determine, but no bonds shall be issued under this act which shall be payable in less than five years from their date, nor bear interest at a greater rate than ten per cent. per annum payable annually.

SEC. 3. Said bonds shall be signed by the mayor of said city, and attested by the clerk thereof under seal, and shall refer on their face to this act as authority for issuing the same.

SEC. 4. The said council shall have authority to negotiate said bonds as in their judgment shall be for the best interests of said city. *Provided, however,* That said bonds shall not be negotiated at less than their par value.

SEC. 5. It shall be the duty of the city council of said city to levy a tax upon the taxable property thereof, to pay the interest and principal of said bonds as the same shall become due and payable by the terms thereof.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER XLI.

AN ACT AUTHORIZING THE TOWN OF LITCHFIELD TO ISSUE BONDS FOR THE PURPOSE OF BUILDING A TOWN HALL AT THE VILLAGE OF LITCHFIELD IN SAID TOWN.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. The town of Litchfield, in the county of Meeker, in this state, by its board of supervisors, is hereby authorized and fully empowered to issue the bonds of said town of Litchfield to an amount not exceeding one thousand eight hundred dollars, with interest coupons attached, for the purpose of erecting a town hall at the village of Litchfield, in said town, in such denominations as the supervisors of said town may determine.

SEC. 2. Said bonds shall bear interest at a rate not exceeding twelve per cent. per annum payable annually, and the principal shall be paid as follows : In five equal annual installments one fifth of the amount of said bonds so issued being payable each year from and after the date of said bonds.

SEC. 3. Said bonds shall be signed by the chairman of the town supervisors, and countersigned by the clerk of said town, and shall have interest coupons attached thereto, which said coupons shall be signed by the chairman of supervisors and countersigned by the clerk of said town, and said clerk shall keep a record of all bonds issued under the provisions of this act, giving numbers, dates and amounts, to whom issued and when payable.

SEC. 4. The supervisors of said town shall have authority to negotiate said bonds as in their judgment shall be best for the interest of said town. *Provided*, That said supervisors shall not negotiate said bonds for less than ninety-five cents on the dollar. It shall be the duty of said supervisors to see that bonds are appropriated and used for the purpose of building a town hall at the village of Litchfield in said town, and for no other purpose whatever except for the purchase of a site whereon said town hall shall stand.

SEC. 5. For the purpose of paying the principal and interest upon said bonds, authority is hereby given to and it is made the duty of the supervisors of said town, and their successors in office, on or before the first day of October next, after the date of said bonds, and thereafter, on or before the first day of October in each year, until the payment of said bonds and interest thereon is fully provided for, to levy, and certify to the auditor of Meeker county a tax upon the taxable property of said town equal to the amount of principal and interest of said bonds maturing next after such levy, and in the discretion of said supervisors such further sum as they shall deem expedient, not exceeding one-eighth of such maturing bonds and interest, which said tax shall be payable in money, and shall constitute a fund for the payment of said bonds and the interest thereon. And the county auditor of said Meeker county is hereby authorized and required to extend said tax so certified as aforesaid, upon the proper tax roll of said county, and said tax shall be collected as other taxes of said town, and paid over to the treasurer of said town, and shall be by said treasurer applied in payment of said bonds principal and interest, as the same become due and payable.

SEC. 6 The proposition to issue said bonds shall be submitted to the electors of said town at the annual town meeting next after the passage of this act. At the time of giving notice of said town meeting it shall be the duty of the officers in said town required by law to give notice of such town meeting to give notice in like manner that at said town meeting the question will be submitted to the electors of said town as to whether this law shall take effect, and said bonds be issued in accordance therewith. At said town meeting the electors of said town voting in favor of the adoption of [this law and the issuing of] said bonds shall have written or printed, or partly written and partly printed on their ballots the words, "For issuing bonds [for town hall,]" and the electors of said town voting against the adoption of this law and the issuing of said bonds shall have written or printed, or partly written and partly printed on their ballots the words, "Against issuing bonds for town hall." Said votes shall be canvassed by the judges of election at said town meeting at the same time and in the same manner as the votes for town officers. If a majority of said votes shall be in favor of the

adoption of this law and the issuing of said bonds, the supervisors of said town shall issue said bonds as provided by this act, and the same shall be valid to all intents and purposes. But if a majority of said votes shall be against the adoption of this law and the issuing of said bonds, then said bonds shall not be issued.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER XLII.

AN ACT TO AUTHORIZE SCHOOL DISTRICT NUMBER EIGHT IN THE COUNTY OF LYON, TO ISSUE BONDS FOR THE PURPOSE OF BUILDING A SCHOOL HOUSE.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That for the purpose of building a school house in the town of Marshall, the board of trustees of school district number eight in the county of Lyon, is hereby authorized to issue bonds of said district to the amount of two thousand five hundred dollars in the same way and after the same manner as provided by section thirty five, chapter one, of the general laws of eighteen hundred and seventy-three.

SEC. 2. Said board of trustees are hereby authorized to negotiate said bonds, and apply the same to the erection of a school house for said district, and to the securing a site for the same, as in their judgment may seem for the best interest of said district.

SEC. 3. The clerk of said district shall at the same time and in the same manner as he is required by law to furnish to the county auditor a statement of moneys voted to be raised for district purposes, also certify to said auditor in addition to all other taxes required by law, the amount of tax necessary to be raised in order to meet the interest and principal of said bonds as they may become due, which said tax shall be payable in money only; and the county auditor shall extend the same upon the tax rolls of the taxable property of said district, and the county treasurer shall deliver to the treasurer of said district, upon the order of the county auditor, all moneys collected on account of the same, and such moneys shall

be applied to the payment of the interest and principal of said bonds as the same may become due.

SEC. 4. This act shall take effect and be in force from and after passage.

Approved March 9, 1874.

CHAPTER XLIII.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AUTHORIZE THE CITY OF SAINT PAUL TO ISSUE BONDS TO PURCHASE PUBLIC PARK GROUNDS AND FOR OTHER PURPOSES, APPROVED FEBRUARY TWENTY-NINE, EIGHTEEN HUNDRED AND SEVENTY-TWO, AS AMENDED BY THE ACT AMENDATORY THEREOF, APPROVED MARCH 4, 1873.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That section eight (8) of said act shall be amended by adding thereto the following provisos, namely: " *Provided*, That the said commissioners appointed under said act shall have the charge and management of any park grounds which have been or may be purchased by them under said act, until otherwise ordered by the common council of said city of Saint Paul; and that said council may delegate to said commissioners such other powers in relation to the control, management, care and improvement of such park grounds as said council may deem expedient, and may make provision out of the general fund of said city, or other appropriate fund for any proper or needful expenditure for any purposes aforesaid. " *And provided further*, That the said commissioners shall have power to receive any donations or subscriptions made for the purpose of improving said park grounds, and may use and apply the same in fencing, ornamenting or improving said park grounds.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 24, 1874.

CHAPTER XLIV.

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF THE CITY OF WINONA TO ISSUE BONDS FOR THE PURPOSE OF THE ERECTION OF A SCHOOL BUILDING IN THE CITY OF WINONA.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the board of education of the city of Winona (a body corporate under the act of this state approved March 8th, 1862), be and are hereby authorized and empowered to issue the bonds of said corporation for an amount not exceeding in the aggregate the sum of fifteen thousand dollars.

SEC. 2. Said bonds shall be of denominations of not less than one hundred dollars or more than one thousand dollars each, with interest coupons attached, said bonds to bear interest, payable semi-annually at a rate not exceeding nine per cent. per annum, and to be of like tenor and import except that they may be made to mature and fall due at different dates, not less than one year or more than six years from the date of their issue, said bonds and coupons shall be made payable to bearer and be signed by the president and clerk of said board.

SEC. 3. Said board may sell and dispose of or hypothecate said bonds at not less than their par value.

SEC. 4. The proceeds of the sale of said bonds shall be paid to the treasurer of said board, and remain subject to the order of said board, and be applied to the erection of a building for the use of the schools of said city of Winona; *Provided*, said bonds shall not be sold, disposed of or hypothecated till after the city council of the city of Winona have approved the estimate of the expense of the proposed building, as provided by section sixteen of the act for the establishment and better regulation of the common schools of the city of Winona approved March 8th, 1862.

SEC. 5. When said bonds have been issued and disposed of as provided by this act, it shall be the duty of the board of education aforesaid, at the time of their annual estimate of expense each year to be made to the city council of the city of Winona, to include in such estimate the amount required to pay such bonds, principal and interest as they shall become due, such estimate shall be made under the title of special school bond account of the city of Winona, and it shall be the duty of the council of the city of Winona to cause

such estimate to be certified for assessment, levy and collection in like manner as other special school taxes are levied and collected.

SEC. 6. The amount so estimated, assessed and collected shall constitute a distinct and separate fund, and the proceeds of said collection shall be paid to the treasurer of said board and be subject to their order and be inviolably held and applied to the payment and liquidation of said bonds, principal and interest.

SEC. 7. When any of said bonds or coupons are paid and redeemed it shall be the duty of the officer paying the same, to take up and immediately indorse such redemption on the same and subsequently return them with his account, and report to the board for verification and cancellation.

SEC. 8. This act to take effect and be enforced from and after its passage.

Approved March 9, 1874.

CHAPTER XLV.

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF THE NORTHFIELD VILLAGE SCHOOL DISTRICT, IN RICE COUNTY, TO ISSUE BONDS FOR THE PURCHASE OF A SITE AND ERECTION OF A CENTRAL SCHOOL BUILDING.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The board of education of the Northfield village school district, in Rice county, are hereby authorized to issue the bonds of their district with coupons attached, for the sum of twenty-five thousand dollars, for the purpose of purchasing a site and erecting a central high school building thereon; said bonds to be payable in such amounts, and at such times, not exceeding twenty years, as the said board of education shall determine, with interest not exceeding ten per cent. per annum, payable annually, which said bonds shall be signed by the chairman and attested by the clerk of the said board of education.

SEC. 2. Said bonds shall not be issued or negotiated, or the proceeds thereof be used or appropriated for any other purpose than the purchase of a site for, and in the erection, completing and furnishing of a school house, in and for the district issuing such bonds.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 9, 1874.

CHAPTER XLVI.

AN ACT TO AUTHORIZE THE VILLAGE COUNCIL OF THE VILLAGE OF WELLS TO ISSUE BONDS FOR THE PURPOSE OF BUILDING A LOCK-UP AND PURCHASING A FIRE ENGINE, AND FOR PROVIDING A SUPPLY OF WATER FOR SAID VILLAGE.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the village council of the village of Wells, in the town of Clark, in the county of Faribault, are hereby authorized to issue bonds for the purpose of building a lock-up and purchasing a fire engine, and for the purpose of providing a supply of water for said village, not to exceed two thousand dollars, to be issued in such denominations and payable at such times not more than ten years, and drawing such rate of interest not exceeding twelve per cent. per annum, and at such place as the said village council shall determine.

SEC. 2. Said bonds shall be signed by the president of said village council, and countersigned by the recorder of said village, and the said recorder shall keep a record of all bonds issued under the provisions of this act, giving dates, numbers and amounts, to whom issued and when payable.

SEC. 3. Said village council shall and are hereby authorized and empowered to levy an annual tax on all the taxable property of said village in addition to all its other taxes required by law to be levied, sufficient to pay the interest on said bonds as it matures, and also to levy an additional tax sufficient to pay the principal of said bonds, at the time or times when the same shall become due and payable, which taxes shall be levied and collected in the same manner as other taxes for village purposes are levied and collected.

SEC. 4. Before it shall be lawful for said village council to issue such bonds, the proposition to issue the same shall be submitted to the legal voters of said village for their approval or rejection, at any annual or special election of said village, due notice as provided

by law in other elections, and stating the proposition to be acted upon being given. The ballots used at such election shall have written or printed thereon the words "for the issue of bonds for building a lock-up and purchasing a fire engine, and providing a supply of water for the village of Wells," or the words "against the issue of bonds for building a lock up and purchasing a fire engine, and providing a supply of water for the village of Wells," and said ballots shall be cast at said meeting in the same manner and canvassed by the same officers, as votes cast at annual village elections in said village all [are] cast and canvassed, and if it shall be found upon such canvass that a majority of the voters present and voting at such election have voted in favor of such proposition, then the issue of said bonds so issued shall be lawful, and said bonds so issued shall be lawful to all intents and purposes.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER XLVII.

AN ACT TO AUTHORIZE THE CITY OF MINNEAPOLIS TO ISSUE BONDS TO PAY FOR THE ERECTION OF A CITY HALL.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The city council of the city of Minneapolis is hereby authorized and empowered to issue the bonds of said city to the amount of fifty thousand dollars principal, with semi-annual interest coupons attached for the interest on said bonds, at the rate of eight per cent. per annum, and to negotiate the same and apply the proceeds to the payment of the cost of the city hall building, located on block No. 22, in the west division of said city. Said bonds shall bear date February 2, 1874, and shall run twenty years from date, and be payable principal and interest in the city of New York.

SEC. 2. It shall be the duty of said city council to set apart and appropriate the net proceeds of all rentals derived from any and all leases, now or hereafter made, of any portion of said city hall building to the following purposes, viz.: So much thereof as may be necessary to the redemption of the interest coupons attached to

said bonds, as they may mature, and the remainder, or so much thereof as may be necessary to the redemption of the aforesaid bonds, before or at maturity, and no part of the net proceeds as aforesaid shall be used for any other purpose whatever, until both the principal and interest of the said bonds shall have been fully provided for. *Provided*, That so much of the net proceeds aforesaid as shall have accrued on or before the first day of July, A. D. eighteen hundred and seventy-five, and as may not be required for the payment of interest maturing before said date on said bonds, may be used in the payment of any part of the cost of said building.

SEC. 3. Said city council is hereby empowered and required to make provision by the levying of taxes on the taxable property of said city, for the payment of any and all amounts of said bonds and coupons, which shall not have been paid at maturity from funds derived from the net proceeds of rentals, as provided for in section 2 of this act.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved January 28, 1874.

CHAPTER XLVIII.

AN ACT TO AUTHORIZE THE COUNTY OF MILLE LACS TO ISSUE BONDS TO BUILD COURT HOUSE.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the county commissioners of Mille Lacs county are hereby authorized to issue bonds of said county to the amount of three thousand dollars for the purpose of building a court house in said county. *Provided*, That a proposition to bond said county shall be submitted to the electors of said county as herein directed for their approval or disapproval.

SEC. 2. It shall be the duty of the several town clerks of said county who may give notice of the annual election for town officers in the several townships of said county next after the passage of this act, to insert therein notice that the electors of said several precincts are required to vote at said election upon the proposition of bonding said county.

SEC. 3. At such election each voter of said county in favor of bonding said county shall have printed or written on their ballots, "For bonds," and those opposed thereto shall have written or printed on their ballots the words, "No bonds."

SEC. 4. Said votes shall be received and canvassed by the judges of election of the several precincts of said county, in the same manner as votes for town and county officers are canvassed, and return thereof made to the county auditor within the time and in the same manner as annual election returns are made.

SEC. 5. The county auditor and two justices of the peace of said county shall, within ten days from said election, proceed to canvass said returns in the same manner as returns for county officers are canvassed, and file one abstract thereof in the office of the auditor of said county, and one copy thereof certified and returned to the state auditor within the time provided by law, and if it appears that this act has been approved by a majority of the electors of said Mille Lacs county voting at said election, the commissioners shall be privileged to bond said county as herein provided.

SEC. 6. This act to take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER XLIX.

AN ACT TO AUTHORIZE THE TOWN OF CLEAR LAKE TO ISSUE BONDS TO AID IN THE ERECTION OF A TOWN HALL IN THE SAID TOWN OF CLEAR LAKE.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The town of Clear Lake, in the county of Sherburne, is hereby authorized and empowered to issue bonds in the manner hereinafter provided, to an amount not exceeding the sum hereinafter specified, with interest coupons attached, bearing interest at a rate not to exceed twelve per cent. per annum, in such denomination and payable at such time as the town of Clear Lake shall by vote determine. Which said bonds, or the proceeds thereof, shall be used in aiding in the execution [erection] and construction of a town hall within the the said town of Clear Lake, in the county of

Sherburne. The bonds so issued by the said town may be for such amount as said town by vote of the electors determine, to-wit: not to exceed the sum of twelve hundred (\$1,200) dollars.

SEC. 2. The supervisors of said town may, by causing notice to be given in the same manner that notice of special town meeting is required by law to be given, at any time call a special meeting of the electors of said town for the purpose of voting upon the question of issuing bonds of said town for the purpose specified in section one of this act, and to determine the amount, time of payment, and rate of interest of said bonds. The amount of said bonds, time of payment, rate of interest thereon, to be submitted at such meeting, shall, before notice of such meeting is given, be determined by the supervisors, and the amount, time of payment and rate of interest so determined and proposed to be submitted, shall be specified in the notice of such meeting, and the vote of the electors thereof shall be by ballot; those voting in favor of issuing said bonds having printed or written, or partly printed and partly written, on their ballots the words, "For issuing town bonds," and those voting against issuing said bonds having printed or written, or partly printed and written, on their ballots the words, "Against issuing bonds."

SEC. 3. The supervisors of said town shall certify to the county auditor of said county the amount of said bonds due in each year, with the interest thereon; and the said county auditor shall extend the amount of tax so certified upon the tax list of said town, and the same shall be collected in the same manner as other town taxes.

SEC. 4. The bonds issued under the provisions of this act shall be signed by the chairman of the board of supervisors, and countersigned by the town clerk, and said board of supervisors shall have authority to sell or negotiate said bonds at such prices and upon such terms as in their judgment may be best for the purpose above provided for.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER L.

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF NICOLLET COUNTY TO ISSUE BONDS FOR CERTAIN PURPOSES.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the board of the county commissioners of the county of Nicollet are hereby authorized to issue the bonds of said county to the amount of five thousand dollars for the purpose of defraying the current indebtedness of said county in repairing and fitting up the jail, and jail yard attendant thereto, in such sums and in such denominations as said board may determine. All of which shall be issued upon proper vouchers for expenses incurred, or to raise money for the purposes mentioned in this section.

SEC. 2. Such bonds may bear interest at a rate not exceeding twelve per cent. per annum, payable annually. The principal shall be payable at such time as said board shall deem proper; *Provided*, That said bonds shall all be payable in not less than five nor more than ten years from the date of this issue, which time shall be specified in said bonds.

SEC. 3. The proper authorities of said county shall annually levy and include in the general tax an amount sufficient to pay the interest on said bonds so issued, and also a special tax not less than one-fourth of one mill annually on each dollar's valuation to pay the principal of said bonds.

SEC. 4. That bonds issued under the provisions of this act shall be signed by the chairman of the board of county commissioners of said county, and countersigned by the county auditor, who shall keep a record of all bonds issued under the provisions of this act.

SEC. 5. The said board shall have the power to negotiate said bonds as they shall deem best for the interest of said county. *Provided*, That they shall not negotiate the same at less than their par value.

SEC. 6. This act shall take effect and be in force from and after its passage and approval.

Approved February 11, 1874.

CHAPTER LI.

AN ACT TO AMEND AN ACT APPROVED MARCH FOURTH, EIGHTEEN HUNDRED AND SEVENTY-THREE, ENTITLED AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF PINE TO ISSUE BONDS FOR THE ERECTION OF COUNTY BUILDINGS.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section one of chapter 177 of the special laws of 1873, approved March 4th, 1873, be and the same is hereby amended so as to read as follows: That the county commissioners of the county of Pine are hereby authorized to issue the bonds of said county to the amount of eight thousand dollars or so much of the above sum as may be necessary to fund the present floating debt of said county, and the further sum of four thousand dollars for the erection of county buildings. *Provided*, That no money shall be expended in the construction of county buildings unless they are [located] upon land to which the county has a good title in fee simple.

SEC. 2. Section four of the aforesaid act approved March 4th, 1873, be and the same is hereby amended so as to read as follows: The board of commissioners of said county shall have authority to negotiate said bonds, as in their judgment shall be best for the interest of the county. *Provided, however*, That said bonds shall not be negotiated at less than ninety cents on the dollar of their par value.

SEC. 3. This act shall take effect and be in force on and after its passage.

Approved February 24, 1874.

CHAPTER LII.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO AUTHORIZE THE CITY OF MINNEAPOLIS TO ISSUE BONDS TO AID IN THE CONSTRUCTION OF THE MINNESOTA WESTERN RAILROAD.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section one of an act approved February ninth, eighteen hundred and seventy, entitled an act to authorize the city of Minneapolis to issue bonds to aid in the construction of the Minnesota Western Railroad (now Minneapolis and St. Louis Railroad) be amended by adding the following proviso to said section: *Provided*, That no further amount of bonds shall be issued by and under the authority of this act, unless said railroad shall be fully completed and the cars running thereon by the first day of January,

A. D. eighteen hundred and seventy-nine, from its junction with the Lake Superior and Mississippi Railroad, near White Bear Lake, in Ramsey county, to the north line of the state of Iowa on the line contemplated in section seven of this act.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER LIII.

AN ACT TO EXEMPT THE COUNTY OF MOWER FROM THE OPERATION OF CERTAIN ACTS AUTHORIZING CERTAIN COUNTIES TO ISSUE BONDS TO RAILROAD COMPANIES.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That none of the provisions of chapter twenty-four of the special laws of one thousand eight hundred and sixty eight, chapter forty-four of the special laws of one thousand eight hundred and sixty-nine, and chapter forty-three of the special laws of one thousand eight hundred and seventy, amendatory thereof, chapter forty-five of the special laws of one thousand eight hundred and seventy, and chapter sixty-one of the special laws of one thousand eight hundred and seventy-one, amendatory thereof, shall apply to or be operative in the county of Mower, and none of said acts or any acts amendatory thereof, shall be construed as authorizing said county or towns therein to issue bonds to aid railroad companies.

SEC. 2. All acts and parts of acts inconsistent with this act, are hereby repealed, but such repeal shall not effect any bonds that shall or may have been heretofore issued.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER LIV.

AN ACT TO AUTHORIZE THE BOROUGH OF NEW ULM, BROWN COUNTY, TO ISSUE BONDS.

WHEREAS, The voters of the borough of New Ulm, in this state, at the regular borough election held on the second day of April, eighteen hundred and seventy-two, voted on the proposition to grant to, or procure for the Winona and St. Peter Railroad Company, the right of way from the crossing of said railroad, on the Minnesota river, to and through the corporate limits of said borough of New Ulm, and by a vote of one hundred and ninety in favor of said proposition to forty-five cast against it, fully approved of the same. Therefore,

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the council of said borough of New Ulm is hereby authorized and empowered to issue bonds of said borough of New Ulm to an amount not exceeding ten thousand dollars in such denominations as the said council may direct, and with interest coupons attached thereto; said bonds to be signed by the mayor and countersigned by the clerk of said borough.

SEC. 2. Said bonds shall bear interest at a rate not exceeding twelve per cent. per annum, payable annually at the office of the borough treasurer, and shall be made payable within ten years from the date thereof, in such manner that one-tenth of the amount of bonds issued in pursuance of section one, of this act, is paid annually, and the whole debt extinguished within ten years; *Provided*, That the said bonds shall not be sold or disposed of at less than par value.

SEC. 3. The borough clerk shall keep a record of all bonds issued under the provisions of this act, showing the amount, number and date of each bond, to whom issued and when payable.

SEC. 4. The borough council shall annually levy a tax to the amount of bonds issued and the interest accruing on the remainder of outstanding bonds.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved February 24, 1874.

CHAPTER LV.

AN ACT TO AMEND SECTION FIVE (5) OF CHAPTER FIFTY-FOUR (54) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE, (1871), BEING AN ACT TO AUTHORIZE THE VILLAGE OF PRESTON, TO AID IN THE CONSTRUCTION OF ANY RAILROAD RUNNING TO SAID VILLAGE.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That section five (5) of chapter fifty-four (54) of the special laws of eighteen hundred and seventy-one (1871) be amended so as to read as follows :

SEC. 5. If a majority of the votes cast shall be in favor of issuing bonds, the village council shall proceed to cause such amount of said bonds to be issued and delivered as they shall deem advisable, and shall make all needful rules and regulations concerning the same ; it shall be the duty of the village council to cause to be levied from year to year, taxes upon the taxable property of said village to pay the interest on said bonds annually, and to pay the principal at maturity.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 2, 1874.

CHAPTER LVI.

AN ACT AUTHORIZING THE CITY OF HASTINGS TO ADJUST AND COMPROMISE ITS RAILWAY BONDED INDEBTEDNESS AND ISSUE BONDS FOR THAT PURPOSE.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the city council of the city of Hastings be and the same is hereby authorized and empowered to issue the bonds of

said city, with interest coupons attached, for an amount sufficient to take up and pay all the bonds and coupons now outstanding against said city, issued in aid of the construction of the Hastings and Dakota Railway, upon the terms and conditions as hereinafter provided.

SEC. 2. The said city council is hereby authorized to sell and negotiate said bonds so to be issued, at not less than their par value, and apply the proceeds of the sale of said bonds in the purchasing of the bonds and coupons issued in aid of the construction of the Hastings and Dakota Railway, at a rate not to exceed fifty cents on the dollar of the par value of the same; or exchange the bonds so to be issued, at their par value, for said outstanding bonds and coupons at a rate not to exceed fifty cents on the dollar of the par value of the same; *Provided*, That said city council shall have no authority to issue any bonds under the provisions of this act until it shall have effected an arrangement with the holders of said outstanding bonds to surrender or exchange at least sixty thousand dollars of said outstanding bonds on the terms hereinbefore named, and in no event shall the city council be authorized to issue said bonds any faster than arrangements shall be made for the exchange or payment of said outstanding bonds and coupons as aforesaid, and that said bonds shall not be issued, exchanged or negotiated for any other purpose than for the taking up of said outstanding bonds and coupons, on the terms aforesaid.

SEC. 3. Said bonds shall be issued in denominations of not less than one hundred dollars each, with interest not to exceed ten per cent. per annum payable annually, to be payable at some time not exceeding ten years from the date thereof, and shall be signed by the mayor and countersigned by the clerk of said city, and sealed with the corporate seal thereof, and shall be made payable at the office of the city treasurer of the city of Hastings, or at some specified place in New York city, as said council may designate.

SEC. 4. For the purpose of paying the interest and principal of said bonds, the said city council is hereby authorized, and it is hereby made its duty, to levy annually a tax on all of the taxable property of said city sufficient to provide for the prompt payment of the interest on said bonds, and of the principal as it matures, which tax shall be levied and collected at the same time and in the same manner as other taxes are levied and collected under the general laws of this state, and that said tax shall be set apart and held inviolate for said purposes, and it shall not be lawful for the city council to appropriate it to any other purpose.

SEC. 5. Chapter one hundred and fifty-one of the special laws of eighteen hundred and seventy-three be and the same is hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved February 13, 1874.

CHAPTER LVII.

AN ACT TO AUTHORIZE THE CITY OF WINONA TO ISSUE ITS BONDS IN AID OF THE GREEN BAY AND MINNESOTA RAILROAD, AND IN AID OF THE SUBSCRIBERS TO SAID RAILROAD.

WHEREAS, The city council of the city of Winona desirous of securing at Winona the western terminus of a railroad from Green Bay in the State of Wisconsin, heretofore resolved to issue its bonds to the amount of fifty thousand dollars, as soon as it could obtain legal authority from the legislature so to do for the purpose of repaying and indemnifying any and every person who should subscribe and pay any sum of money to the company building said line of railroad, and for the purpose of paying to the Green Bay and Minnesota railroad any balance of fifty thousand dollars not subscribed and paid to it by the citizens of Winona; and

WHEREAS, The said railroad has been built from Green Bay to Winona; therefore,

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the city of Winona may at any time during the year eighteen hundred and seventy-four, by a vote of a majority of its common council, subject to the approval and ratification of its legal voters, as hereinafter provided, make and issue its bonds to the amount of fifty thousand dollars with interest coupons attached thereto for the use and benefit of those who may have subscribed and paid to the company building said line of railroad, and for the use and benefit of the Green Bay and Minnesota railroad, obligating the city of Winona to pay the sums and amounts specified in said bonds to the bearer thereof within twenty years from their date (the time and place of payment to be fixed by the city council of said city of Winona) with interest at a rate to be fixed by the said city council not to exceed eight per cent. per annum, semi-annually; said bonds shall be signed by the mayor and recorder of said city of

Winona, and shall have the corporate seal of said city affixed thereto and said coupons shall be signed by said mayor and recorder, and said bonds shall show upon their face the object for which they were issued.

SEC. 2. Before said bonds are issued, the question of issuing them shall be submitted to the legal voters of said city of Winona at a general or special election, five days' notice thereof to be given previous to such election, by publication in some newspaper published in the city of Winona. And the city council of said city are hereby authorized to appoint and call a special election for such purpose, which election shall be conducted in manner and form, as near as may be as elections are usually conducted in said city; *Provided*, That the general law in regard to registration shall not apply to this election; the voters at such election shall use ballots on which shall be written or printed or partly written and partly printed the words "for railroad bonds" or the words "against railroad bonds" as the voters shall choose; if a majority of the votes cast at such election shall have upon them the words "for railroad bonds" then the bonds shall be issued of the tenor and to the amount hereinbefore specified, and the said city council of the city of Winona shall deliver said bonds to those who may have subscribed and paid any sum of money to the company building said line of railroad from Green Bay to Winona as aforesaid, or to their assignees in amounts equal to the sums so paid by them to said railroad company as aforesaid, and the balance or remainder of said bonds of said city shall be by said city council delivered to the Green Bay and Minnesota railroad company; *Provided*, That no bond shall be issued for less than one hundred dollars, and that before said city council shall deliver said bonds to said company as aforesaid, the said company shall issue and deliver to said city its stock in an amount equal to the amount of said bonds; but if more than one half of the said ballots shall have the words "against railroad bonds" upon them, then the said bonds shall not be issued.

SEC. 3. For the purpose of paying the interest on said bonds an annual tax shall be assessed and levied upon the property of said city of Winona, in amount sufficient to pay the interest for the ensuing year on said bonds so issued, and the said city council may in their discretion annually levy upon said taxable property, and cause to be set apart as a sinking fund such sums as with the accruing interest thereon will be sufficient to pay the principal of said bonds at the maturity thereof.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 5, 1874.

CHAPTER LVIII.

AN ACT TO AMEND SECTION ONE, CHAPTER ONE HUNDRED [AND] SIXTY-FIVE, OF THE SPECIAL LAWS OF EIGHTEEN HUNDRED [AND] SEVENTY-THREE, IN RELATION TO ISSUING OF BONDS TO THE DULUTH, ST. CLOUD AND YANKTON RAILWAY COMPANY.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section one, chapter one hundred and sixty-five be amended so as to read as follows:

Section 1. That each of the counties of St. Louis, Carlton, Aitkin, Pine, Kanabec, Mille Lacs, Benton, Stearns, Meeker, Renville, Kandiyohi, Redwood, Lyon and Isanti, in this state, and each of the towns and incorporated cities and villages in said counties, or either of them, are hereby authorized to issue bonds as herein provided, to the Duluth, St. Cloud and Yankton Railway Company, upon the full incorporation of said railway company, under the general laws of this state, for the purpose of aiding said railway company in surveying; locating, grading and constructing the road-bed for its line of railway. *Provided*, That said Duluth, St. Cloud and Yankton Railway Company shall make the eastern terminus of its road on the waters of Lake Superior within the limits of this state, either by its own road or by connection with some railway already built or hereafter to be built, having its terminus within the limits of this state, and shall not have its eastern terminus either directly or by such connection without the limits of this state.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1874.

CHAPTER LIX.

AN ACT TO AUTHORIZE CERTAIN VILLAGES AND TOWNS IN THE COUNTY OF HOUSTON AND STATE OF MINNESOTA TO AID IN THE CONSTRUCTION OF THE CALEDONIA AND MISSISSIPPI RAILWAY.

or the village of Redwood Falls, or any township in said county, to aid in the construction of any railroad which shall start at some point on any line of railroad now in operation in the state of Minnesota, and running therefrom and extending to the said village of Redwood Falls in said Redwood county, as hereinafter provided.

SEC. 2. Whenever a petition shall be presented to the board of county commissioners of said Redwood county, signed by at least one hundred resident tax payers of said county, or a petition to the municipal authorities of said village of Redwood Falls, or the supervisors of any township in said county signed by at least twenty five resident taxpayers thereof, asking that the question of aiding in the construction of any railroad as above provided, and stating the amount of special bonds of such county, village or town desired to be furnished as such aid be submitted to the voters thereof, it shall be the duty of the county commissioners of said county, or the municipal authorities of said village, or supervisors of such town, to immediately give notice of a special election by publication in some newspaper published in said county, or in case no newspaper is published in the county, then such notice shall be published in the newspaper published nearest to the said village of Redwood Falls, the county seat of said Redwood county, and also by posting copies thereof in five public places in said county or village or such town at least twenty days before said election, which notice shall specify the time and place or places of holding said election, the railroad proposed to be aided, and the amount of bonds proposed to be issued, at which election the question of issuing to said railroad company the proposed amount of bonds of said county, village or town, shall be submitted to the legal voters of said county, village or town, to be determined by ballot, those in favor of the proposition having written or printed on their ballots the words "Railroad bonds, yes"; and those opposing the measure the words "Railroad bonds, no." The election shall be conducted and their ballots canvassed as nearly as may be in accordance with the modes of conducting county, town and municipal elections in ordinary cases.

SEC. 3. If a majority of the votes polled at such election shall be in favor of the issue of said bonds, the county commissioners, or municipal authorities of said village, or supervisors of the town, as the case may be, shall cause to be issued in the name of such county, village or town, and signed by the county commissioners, municipal authorities or supervisors, as the case may be, attested by the signature of the county auditor, village clerk or town clerk, and the corporate seal, if there be one, running to said railroad company or bearer, the special bonds of said county, village or town, to the aggregate amount so voted, which shall be in such sums, not less than one hundred dollars, nor exceeding one thousand dollars each, hav-

ing not less than ten, nor exceeding twenty years to run, and drawing interest at seven per cent. per annum, payable semi-annually. The amount of each, time and place and manner of payment within the limitations and restrictions aforesaid, to be fixed by the respective county commissioners, municipal authorities and supervisors issuing them or causing them to be issued; and such bonds may have interest coupons attached. Such bonds and coupons shall be in the usual form.

SEC. 4. That it shall be lawful for the said county, municipal authorities or town supervisors upon the presentation of a like petition as provided in section two of this act, upon giving the same notice as herein provided, to order the said vote upon the issue of said bonds to be polled at any general, county, town, or municipal election, and such vote shall by [be] polled in the same manner and with like effect as is provided herein, in case of a special election.

SEC. 5. In case at such election, either special or general, as provided in this act, the majority of votes polled should be in the negative, further and additional elections may be held upon new petitions, at any time not less than three months after the next prior election; *Provided*, That not more than one special election shall be held in any one year.

SEC. 6. Such railroad company shall not be entitled to any bonds under the provisions of this act until such railroad is completed and the cars running thereon, which fact shall be evidenced by the affidavit of the president of such railroad company, and the certificate of the presiding officer of the board of county commissioners, municipal authorities or supervisors, as the case may be.

SEC. 7. Said county, village or such townships issuing or delivering its bonds as aforesaid shall provide by taxation or otherwise, for the punctual payment thereof, principal and interest as they become due.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER LXII.

AN ACT TO AUTHORIZE THE TOWNS OF WACONIA, CAMDEN, WATERTOWN AND HOLLYWOOD, IN THE COUNTY OF CARVER, TO ISSUE BONDS TO AID IN THE CONSTRUCTION OF A CANAL FROM LAKE WACONIA TO LAKE MINNETONKA, IN THIS STATE.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the towns of Waconia, Camden, Watertown and Hollywood, in the county of Carver, be and are hereby authorized to issue bonds to aid in the construction of a canal from Waconia Lake, in the county of Carver, to Lake Minnetonka, in the county of Hennepin, in this state, in sums respectfully [respectively] as follows : that is to say, the town of Waconia in a sum not exceeding the sum [of] four thousand dollars, the town of Watertown, Camden and Hollywood each in a sum not exceeding two thousand dollars.

SEC. 2. The board of supervisors of either of said towns are hereby authorized to enter into an agreement with any company or corporation having the control of and the right to construct such canal, in relation to the time and location thereof, interest and amount of bonds so to be issued, when to be issued and made payable for the purpose aforesaid. *Provided*, That no agreement shall be repugnant to the provisions of this act.

SEC. 3. Said bonds so issued by either of said towns shall be in sums of not less than fifty dollars each, and may bear interest at a rate not exceeding seven per cent. per annum, which interest shall be payable annually, and the principal thereof shall be payable at such time or times not exceeding thirty years from the date thereof, as the board of supervisors of such towns shall by resolution designate and provide, which said bonds so used [issued] by either of said towns, shall be signed by the chairman of the board of supervisors and the town clerk thereof, and the interest coupons attached to said bonds shall be signed by the town clerk.

SEC. 4. The board of supervisors of either of said towns may by resolution provide for the issue of its said bonds, and designate the terms thereof so agreed upon, which resolution before the same shall take effect and be binding on such town, shall be submitted for approval to the qualified voters of such town at any general election therein, or such board may order a special election therefor, whenever any such special election shall be ordered, two weeks' notice

thereof shall be given, and the same shall be given in the same manner that notices of general elections in such towns are required by law to be given, except that whenever any such resolution of the board of supervisors shall be submitted at either a general or special election, the notice of such election shall in either case specify that such resolution, a copy thereof being thereto attached, will be so submitted.

SEC. 5. Every special election authorized by this act, and so much of the proceedings of any general election as relates to any such resolutions so submitted, shall be conducted in the same manner that is prescribed by law for conducting elections for town officers of such town, except that the ballots cast at such election shall be deposited in a box separate from any other ballots that may be cast at such election.

SEC. 6. Each elector voting at such election in favor of any such resolution so submitted, shall vote by ballot having distinctly written or printed or partly written and partly printed thereon, the words, "resolution in aid of canal improvements, yes" and each elector voting at any such election, against any such resolutions so submitted, shall vote by ballot having distinctly written or printed, or partly written and partly printed thereon the words, "resolution in aid of canal improvements, no." If a majority of the ballots cast at such election be in favor of the resolution so submitted, then the same shall take effect and be binding on the town, and the bonds of said town shall be issued in accordance therewith, and the provisions of this act, but if a majority of such ballots be against such resolutions, then the same shall be null and void.

SEC. 7. For the purpose of providing for the punctual payment of the matured interest and principal of the bonds so issued by either of said towns, a tax shall be assessed and levied each year upon the taxable property in such town, in an amount sufficient to pay all the interest and principal that will have matured and become payable before the time fixed by law for the collection of such tax for the next succeeding year; which tax shall be levied and collected at the same time and in the same manner that other taxes in such town are by general law required to be levied and collected.

SEC. 8. All the proceeds of the taxes authorized by this act for the payment of the matured interest and principal of any such bonds shall be applied to such payment, and to no other purpose.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER LXIII.

AN ACT TO AUTHORIZE THE CITY OF STILLWATER TO ISSUE BONDS FOR THE PURPOSE OF ESTABLISHING, CONSTRUCTING AND MAINTAINING WHARVES AND LEVEES.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. The city council of the city of Stillwater is hereby authorized to issue the bonds of the city of Stillwater to an amount not exceeding twenty-five thousand dollars and use and negotiate the same for the purpose of raising money to pay the expenses and cost of purchasing lands and property for the construction of public wharves and levees for the said city, and for the purpose of defraying the cost of the construction thereof. Such bonds and the interest thereon shall be payable at such times and places as the said council may determine, but no bonds shall be issued under this act which shall be payable in less than fifteen years from their date, nor bear interest at a greater rate than ten per cent. per annum, payable annually.

SEC. 2. Said bonds shall be signed by the mayor of said city, and attested by the clerk thereof, and shall refer on their face to this act as authority for issuing the same. Said bonds shall have attached thereto coupons consecutively numbered for the annual interest.

SEC. 3. It shall be the duty of the city council of said city to levy a tax upon the taxable property thereof to meet and pay the interest and principal of said bonds as the same shall become due and payable by their terms.

SEC. 4. The city council of said city shall have authority to negotiate said bonds as in their judgment shall be for the interests of said city. *Provided, however,* That said bonds shall not be negotiated at less than their par value.

SEC. 5. The proposition to issue said bonds shall be submitted to a vote of the electors of the said city at the next charter election thereof. The ballots shall have written or printed, or partly written and partly printed thereon the following words; For issue of bonds for wharves and levees "yes," or For issue of bonds [for] wharves and levees "no." Said votes shall be cast at said election in the same manner as votes are cast for city officers, and if upon the canvass of the votes cast upon said proposition a majority of those voting thereon voted in favor thereof then the said council may issue said bonds as aforesaid and not otherwise.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER LXIV.

AN ACT TO AUTHORIZE THE CITY OF STILLWATER TO ISSUE ITS BONDS FOR THE PURCHASE OF PARK GROUNDS, AND IMPROVEMENTS OF SUCH GROUNDS.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. The city council of the city of Stillwater, in the state of Minnesota, are hereby authorized to issue the bonds of said city to an amount not exceeding six thousand dollars, bearing interest at a rate not exceeding ten (10) per cent. per annum, and to be payable fifteen (15) years from the date of issue; which bonds shall be styled "Stillwater Park Bonds," and shall be for the sole purpose of raising money to be expended in the purchase of grounds for a public park, and the laying out, improving and beautifying such grounds, and for the laying out, opening and grading of a public drive-way around Lilly Lake, being in said city of Stillwater and adjoining the contemplated park grounds.

SEC. 2 The bonds issued under and by virtue of this act, shall be signed by the mayor of said city, and countersigned by the clerk, under the corporate seal of said city, and shall be in sums of not less than one hundred dollars each, with interest coupons attached; such interest to be payable semi-annually at such place as the city council may designate.

SEC. 3. To secure the punctual payment of the interest and principal of the bonds provided for in this act, the city council of said city shall have power and it shall be their duty to assess and collect an annual tax upon the real estate and personal property within the limits of said city subject to taxation, sufficient in amount to pay the interest upon said bonds as the same shall become due and payable, and to provide a sinking fund for the payment of the principal; and the faith of said city of Stillwater shall be pledged for the payment of said interest and principal, as in said bonds specified.

SEC. 4. All moneys accruing from the collection of the tax mentioned in the preceding section shall be applied to the payment of the principal and interest of the bonds issued under this act, and to no other purpose, until said bonds shall be fully paid. *And provided further*, That no part of said bonds, or the money realized therefrom, shall be applied or expended for the purchase, use or improvement of any race track, or any buildings or appurtenances thereto belonging. But the same may be used and expended for the public benefit as heretofore set forth.

SEC. 5. This act shall be submitted to a vote of the people of the city of Stillwater, at their annual election in April next, for their acceptance or rejection; and at such election those wishing to vote in favor of issuing bonds, as in this act provided, shall have printed or written on their ballots the words "For park bonds—yes"; and those opposed to the issuing of such bonds shall have printed or written on their ballots the words, "For park bonds—No." And if a majority vote in favor of issuing said bonds, then it shall be proper for the city council to issue and expend said bonds for the purposes in this act set forth.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER LXV.

AN ACT TO AUTHORIZE THE CITY OF MINNEAPOLIS TO ISSUE BONDS FOR THE EXTENSION OF THE WATERWORKS AND FOR BRIDGE PURPOSES IN SAID CITY.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The city council of the city of Minneapolis is hereby authorized and empowered to issue the bonds of said city, with semi-annual interest coupons attached, to the amount of sixty thousand dollars bearing date February second, eighteen hundred and seventy-four, to run twenty-five years, and to bear interest at the rate of eight per cent. per annum, the principal and interest to be payable at maturity in the city of New York for waterworks purposes in the west division of said city.

SEC. 2. The city council of the city of Minneapolis is hereby authorized and empowered to issue the bonds of said city, with semi-annual interest coupons attached, to the amount of twenty thousand dollars, bearing date February second, eighteen hundred and seventy-four, to run twenty years, and to bear interest at the rate of eight per cent. per annum, the principal and interest payable at maturity in the city of New York, for the construction and repair of bridges across the Mississippi river in said city.

SEC. 3. The city council is hereby authorized and empowered to, and shall make provision by levying of taxes for the payment of the principal and interest of the bonds issued under the authority and power granted by this act, as the same become due.

SEC. 4. The said council have authority to and shall make provision for the adjustment and payment of the interest that will have accrued up to the second day of February, eighteen hundred and seventy-four, on all certificates of indebtedness issued by said council for waterworks purposes, whenever the said certificates are surrendered in exchange for said waterworks bonds authorized to be issued by this act.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved February 9, 1874.

CHAPTER LXVI.

AN ACT TO AUTHORIZE THE COUNTY OF NOBLES TO ISSUE BONDS FOR ROAD PURPOSES AND BRIDGES.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the county commissioners of the county of Nobles are hereby authorized and empowered to issue from time to time the bonds of the county of Nobles for the purpose of funding the present road and bridge indebtedness and for the construction of additional roads and bridges in the said county in a sum not exceeding three thousand dollars, and in such denominations as the commissioners of said county may determine.

SEC. 2. Such bonds shall bear interest at a rate not exceeding twelve per cent. per annum, payable annually and the principal to

become due and payable at such time or times not less than five years nor more than ten years after the date of said bonds as the said board of commissioners shall by resolution provide.

SEC. 3. Said board shall have interest coupons attached thereto, which said bonds and coupons shall be signed by the chairman of the board of said commissioners and attested by the auditor of said county and sealed with his seal, and the said auditor shall keep a record of all the bonds issued under the provisions of this act.

SEC. 4. The proper authorities of said county shall annually include in the general tax an amount sufficient to pay the interest on said bonds as they may be issued, and when any principal is about to become due a sufficient amount to pay such principal.

SEC. 5. The board of county commissioners shall have authority to negotiate said bonds as in their judgment shall be best for the interest of the county. *Provided*, That the said board shall not negotiate said bonds for less than par.

SEC. 6. Said bonds shall not be issued as provided in section one of this act unless authorized by a majority of the qualified voters of said county, and for the purpose of taking the vote of said voters, the commissioners of said county shall give public notice in some newspaper having general circulation in said county for at least ten days previous to the next annual town election, and shall also post notices in at least five public places in said county at least ten days previous to said election setting forth substantially the amount of bonds proposed to be issued or disposed of and the time of voting on the question, and those in favor of such issue shall have written or printed or partly written and partly printed on the ballots used at such election the words "For issue of bonds for the construction of roads and bridges," and those voting against such issue shall have written or printed or partly written and [or] partly printed on the ballots used the words "Against the issue of bonds for the construction of roads and bridges." Voting shall be done at usual places of holding elections in said county and shall be conducted in the same manner as other elections, and it shall be the duty of the town clerks of the several towns in said county to make a return to the county auditor of said county of the votes cast in his town on said proposition within five days after said election, and the votes shall be canvassed by the auditor and two justices of the peace of said county within ten days after said election, and if a majority of said votes so reported shall be in favor of the issue of such bonds, they shall be issued but not otherwise. *Provided*, That if the vote is not taken at the annual town meeting it may be taken at the next general election.

SEC. 7. The proceeds of all such bonds shall be exclusively applied to roads and bridges that shall be constructed or built after

the passage of this act, and for funding the present road and bridge indebtedness.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER LXVII.

AN ACT TO AMEND SECTION SIX, OF CHAPTER ONE HUNDRED AND SIXTY-THREE, OF THE SPECIAL LAWS OF THE YEAR A. D. EIGHTEEN HUNDRED AND SEVENTY-THREE, "AUTHORIZING THE TOWN OF CARVER TO ISSUE BONDS.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section six of chapter one hundred and sixty-three, of the special laws of the year A. D. eighteen hundred and seventy-three, be amended by adding to said section the following words: "And the state auditor is hereby authorized and required to draw his warrant in favor of said town of Carver on the state treasurer for such moneys, and said state treasurer is required upon such warrant to pay the same over upon such warrant to said town of Carver. And the amount of sixty-two dollars and fifty cents now in the state treasury is hereby appropriated to such purpose.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER LXVIII.

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CARLTON COUNTY TO ISSUE BONDS FOR CONSTRUCTING ROADS AND BRIDGES.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the board of county commissioners of the county of Carlton is hereby authorized and empowered to issue the bonds of said county for the purpose of constructing a road from the boundary line between Saint Louis and Carlton counties via Thomson to Twin Lakes in Carlton county, and bridges upon the said road, in the said county, in such denominations as the said county board may determine, the total sum for which said bonds may be so issued shall not exceed five thousand dollars.

SEC. 2. Such bonds may bear interest at a rate net to exceed ten per cent. per annum, payable annually, and the principal payable in not less than five years nor more than ten years at such time or times as the county board of said county shall determine.

SEC. 3. The proper authorities of said county shall annually include in the general tax an amount sufficient to pay the interest on such bonds as may be issued by virtue of this act, and when the principal, or any part thereof, is about to become due, a sufficient amount to pay such principal.

SEC. 4. The bonds issued under the provisions of this act, shall be signed by the chairman of the board of county commissioners of said county, and countersigned by the auditor, and sealed with the seal of said county, and the auditor of said county may when authorized by said board of commissioners, draw orders on the county treasurer for the amount of interest due on said bonds.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved February 23, 1874.

CHAPTER LXIX.

AN ACT TO AUTHORIZE THE SUPERVISORS OF THE TOWN OF CLARK TO ISSUE BONDS.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the supervisors of the town of Clark, in the county of Faribault, are hereby authorized to issue the bonds of said town as hereinafter provided, to an amount not exceeding three thousand dollars.

SEC. 2. Said bonds shall be issued in sums of not less than fifty dollars each, or exceeding the sum of five hundred dollars each, and may bear interest at a rate not to exceed twelve per centum per annum, and shall be made payable in not less than one or more than ten years, from their respective dates of issue. They shall be signed by the chairman of said board of supervisors, and countersigned by the clerk of said town, and shall be made payable to the order of the person or persons or corporations to whom the same are issued, on presentation to the treasurer of said town.

SEC. 3. The electors of said town at the next annual town election, or at any special meeting or election of such electors, notice thereof stating the rate of interest and amount of bonds fixed, and the purpose or purposes the same are to be directed or applied, or issued, by the supervisors of said town, shall have been given in the usual manner of giving notice of general elections, shall vote upon the question of the issue of said bonds as fixed by said supervisors and stated in such notices of election. The voters in favor of issuing such bonds or of making the proposed donation or issue, shall vote by ballots written or printed, and having thereon the words "issue of bonds, yes," and the voters opposed to such proposition shall vote by ballots written or printed, having thereon the words "issue of bonds, no," and said vote shall be cast, taken and canvassed at said meeting or election, in the same manner, and canvassed by the same officers as votes cast at annual town elections are cast and canvassed; and if it shall be found upon such canvass that a majority of the voters present and voting at such election or meeting, have voted in favor of such proposition or issue of said bonds, then the issue of said bonds so issued shall be lawful, and said bonds so issued shall be lawful to all intents and purposes.

SEC. 4. For the purpose of paying the principal and interest of said bonds so issued it shall be the duty of the said board of supervisors, and they are hereby authorized and empowered to levy an annual tax on all the taxable property of said town in addition to all the other taxes required by law to be levied, sufficient to pay the interest on said bonds as it matures, and also to levy an additional tax sufficient to pay the principal of said bonds at the time or times when the same shall become due and payable, which taxes shall be levied and collected in the same manner as other taxes for town purposes are levied and collected.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER LXX.

AN ACT TO AUTHORIZE THE CITY OF ST. CLOUD TO ISSUE ITS BONDS
TO THE AMOUNT OF TEN THOUSAND DOLLARS.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. The common council of the city of St. Cloud, in the county of Stearns, in this state, is authorized to issue the bonds of said city as hereinafter provided, to an amount not exceeding ten thousand dollars.

SEC. 2. Said bonds shall be issued in sums of not less than fifty dollars each, and may bear interest at a rate not to exceed ten per centum per annum, and shall be made payable in not less than three nor more than ten years from their respective dates of issue; they shall be signed by the mayor and countersigned by the clerk of said city, and shall be made payable to the order of the person or persons, or corporation to whom the same are issued, on presentation to the treasurer of said city.

SEC. 3. The electors of said city, at the next annual city election, or at any special meeting or election of such electors, notice whereof stating the rate of interest and amount of bonds fixed, and the purpose or purposes the same are to be devoted or applied, or issued by the common council, shall have been given in the usual manner of giving notices of general elections, shall vote upon the question of the issue of said bonds, as fixed by said common council and stated in such notices of election. The voters in favor of issuing such bonds, or of making the proposed donation or issue, shall vote by ballots written or printed, or partly written or partly printed and having thereon the words, "Issue of bonds—yes;" and the voters opposed to such proposition shall vote ballots written or printed, or partly written or partly printed, having thereon the words, "Issue of bonds—no;" and the vote shall be taken, returned, canvassed and counted in the same manner as at the general elections in said city, except that no poll lists need be posted before such special election or meeting, and the poll list used at the last general state election shall be used at such special election or submission, subject however to correction in the usual manner on the morning of the day of election.

SEC. 4. If the majority of said electors voting at such general election, or special election, or meeting, vote in favor of the issue

of said bonds as proposed by said common council, said common council may thereupon issue the same, in accordance with such conditions, not inconsistent with the provisions of this act, as it may adopt.

SEC. 5. For the purpose of paying the principal and interest of said bonds so issued, it is made the duty of said common council from year to year, as said principal or interest becomes payable, to levy upon the taxable property in said city of St. Cloud a tax to meet and pay the same in full and at maturity, which tax so levied shall be returned and collected in the same manner and by the same officers as other taxes for said city are returned and collected, and when so collected shall be paid over to said city treasurer, and be by him applied to the payment of said bonds, principal or interest, and to no other purpose.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved march 9, 1874.

CHAPTER LXXI.

AN ACT TO AUTHORIZE THE CITIZENS OF THE COUNTY OF HOUSTON TO VOTE AT THE NEXT GENERAL ELECTION IN EIGHTEEN HUNDRED AND SEVENTY-FOUR, FOR AND AGAINST THE REMOVAL OF THE COUNTY SEAT OF THE COUNTY OF HOUSTON FROM THE VILLAGE OF CALEDONIA TO THE VILLAGE OF SHELDON IN SAID COUNTY.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The county-seat of the county of Houston, in the state of Minnesota, is hereby removed from the village of Caledonia where it is now located, to the village of Sheldon in said county. *Provided*, The majority of the voters voting at the next general election shall ratify this act.

SEC. 2. It shall be the duty of the officers of each of the voting precincts in the said county of Houston, whose duty it is to give notice of general elections, at the time of giving notice of the next general election, to be held in the year one thousand eight hundred and seventy-four (1874), to give notice at the same time that at

such election the provisions of this act will be submitted to the electors of said county of Houston for their approval or rejection, but no failure of, nor irregularity in such notice shall in any way vitiate the vote on such election.

SEC. 3. At said election each voter in said county in favor of the removal of the county-seat, as provided in this act, shall have plainly written or printed, or partly written and partly printed on their ballots: "For the removal of the county seat"; those opposed to the removal of the county seat shall have plainly written or printed, or partly written and partly printed on their ballots: "Against removal of the county seat."

SEC. 4. Such vote shall be received and canvassed at the same time and in the same manner, and returns thereof made to the same officers by the judges of election in the several voting precincts in said county, as votes for county officers are required to be canvassed and returned.

SEC. 5. The county canvassing board of said county shall canvass the returns of the votes upon the said proposition to remove the county seat in the same manner and at the same time as returns of the votes for the county officers are required by law to be canvassed, and the abstract thereof shall be made on one sheet, and signed and certified in the same manner as in the case of the abstract of votes for county officers, and shall deposit the same in the county auditor's office immediately thereafter, and a copy thereof duly certified by the county auditor, immediately enclosed and forwarded by him to the secretary of state of the state of Minnesota, as provided by section twenty-one (21) of chapter one (1) of the general statutes, and if it appears that a majority of all the votes cast at said election upon the removal provided for in this act, were in favor of said removal, the governor shall make proclamation to that effect, in such manner as he shall deem advisable.

SEC. 6. In case the county seat of said county of Houston shall be removed, as provided in the preceding sections of this act, it shall be the duty of the county commissioners of the said county of Houston to provide suitable offices at the said village of Sheldon for the county offices, and all the records of said county shall be immediately removed thereto by the several officers having them in charge.

SEC. 7. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 8. This act shall take effect and be in force on and after its passage, except as to section one of this act, which shall take effect after said section has been ratified by the electors of said county as provided in this act.

Approved March 5th, 1874.

CHAPTER LXXII.

AN ACT TO REMOVE THE COUNTY SEAT OF YELLOW MEDICINE COUNTY.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The county seat of the county of Yellow Medicine, in the state of Minnesota, is hereby removed from Yellow Medicine City, where it is now located, and the same is hereby located at the village of Granite Falls in said county.

SEC. 2. At the time of giving notice of the next general election it shall be the duty of the officers of said county of Yellow Medicine required by law to give notice of said election, to give notice in like manner that at said general election in eighteen hundred and seventy-four, the provisions of this act will be submitted to the electors of said county for their approval or rejection, but no failure of or irregularity in such notice shall in any way vitiate the vote on such question.

SEC. 3. At said election each voter in said county in favor of the removal of the county seat as provided in this act, shall have plainly written or printed or partly written and partly printed on their ballots the words "for removal of county seat," and those opposed to the removal of the county seat shall have plainly written or printed or partly written and partly printed on their ballots the words "against removal of county seat."

SEC. 4. Such vote shall be received and canvassed at the same time and in the same manner, and returns thereof made to the same officers by the judges of election, in the several voting precincts in said county, as votes for county officers are required to be canvassed and returned.

SEC. 5. The county canvassing board of said county to whom the returns of said election are made, shall canvass the returns upon said question in the same manner and at the same time as returns of votes for county officers, and the abstracts thereof shall be made out on one sheet, and signed and certified to in the same manner as in the case of the abstracts of votes for said officers, and shall be deposited in the county auditor's office immediately thereafter, and the county auditor of said county shall immediately thereafter transmit to the secretary of state a copy of said abstract, duly certified; and if it appears that a majority of all the votes cast at said election were in favor of the removal of the county seat, the gov-

ernor of the state shall forthwith make proclamation, in such manner as he deems advisable, that this law is adopted; and within sixty days thereafter the county offices of said county who are required by law to hold their offices at the county seat, shall remove their offices to the county seat as prescribed by this act.

SEC. 6. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 7. This act shall take effect and be in force from and after its passage, except as to section one, which is to take effect and be in force from and after the adoption of the same as provided in this act.

Approved March 9, 1874.

CHAPTER LXXIII.

AN ACT TO REMOVE THE COUNTY SEAT OF WATONWAN COUNTY FROM THE TOWN OF MADELIA TO THE VILLAGE OF SAINT JAMES, IN SAID COUNTY.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the county seat of the county of Watonwan, in the state of Minnesota, be, and the same is hereby removed from the village and town of Madelia, where it is now located, in said county, to the village of Saint James, in said county.

SEC. 2. At the time of giving notice of the next general election it shall be the duty of the officers of said county of Watonwan, required by law to give notice of said election, to give notice in like manner that at said election a vote will be taken on the question of adopting this act removing the county seat from the town and village of Madelia to the said village of Saint James, as provided in section first of this act; but no failure [of] or irregularity in such notice, or in the giving of such notice shall in any way vitiate the vote on such question.

SEC. 3. At said election the electors of said county in favor of the removal of the said county seat as provided in this act, shall have distinctly written or printed, or partly written and partly printed on their ballots, "For removal of county seat," those opposed to such removal, "Against removal of county seat." And such ballots shall be received by the judges of election and can-

vassed at the same time and in the same manner and returned to the same office as votes for county officers.

SEC. 4. The county canvassing board of said county to whom said election returns are made, shall canvass the votes on said question at the same time and in the same manner as returns of votes for county officers; and if, upon such canvass being made it shall appear that a majority of the electors of said county of Watonwan voted in favor of the adoption of this act and the removal of said county seat, an abstract of the canvass of said votes shall be made on one sheet, signed and certified in the same manner as in cases of abstracts of votes for the county officers, and shall be deposited in the office of the county auditor of said county, and the said county auditor shall immediately thereafter transmit to the secretary of state a copy of said abstracts duly certified by said auditor.

SEC. 5. If this act shall be adopted by a majority of the electors of said county of Watonwan, the governor shall forthwith make proclamation as provided by law in such cases; and it is hereby made the duty of all officers who are required by law to hold their offices at the county seat to remove their offices, books and records to the new county seat at Saint James within thirty days after the removal of said county seat, as in this act provided, without further notice, and any failure to so remove said offices shall operate as a forfeiture of their said offices.

SEC. 6. Chapter one hundred and ninety-three of special laws of eighteen hundred and seventy-three, and all acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 7. It shall be lawful for the village authorities of said Madelia and Saint James, and they are respectively hereby authorized to appoint by certificate under their hand a proper person to attend upon such of the townships and village boards and judges of election thereof, in said county as they may deem necessary, who shall have authority, and whose duty it shall be to witness the action of said townships and village boards or judges of election in receiving and preparing the register of legal voters in either of the election districts of said county for the next general election and in conducting the next general election in either of said election districts. Said person or persons so appointed shall be sworn, and it shall be their duty to see that none but legal votes [voters] of said county are registered and allowed to vote at any of the several election districts of said county, and to use all lawful means in their power to prevent fraud and deceit thereat, and to cause to be prosecuted any and all persons found guilty of any fraud or deceit at any of said election districts. And it is hereby made the duty of the officers or judges of election of said election districts to allow such persons so appointed to be present at the making of such registry

lists, or holding of such elections, and to afford them all proper facilities to freely and fully witness the same, and the canvass of the votes cast thereat, and the preparation and sealing of the official returns thereof, and to make an abstract of the same if so desired, and the fact that any of said persons so appointed shall be refused or denied the rights and privileges herein given by any board or judges of election, shall be deemed *prima facie* evidence that the votes cast thereat upon the removal of said county seat are fraudulent and void.

SEC. 8. This act shall take effect and be in force from and after its passage, except as to section one which is to take effect from and after the adoption of the same, as provided herein.

Approved March 9, 1874.

CHAPTER LXXIV.

AN ACT TO REMOVE THE COUNTY SEAT OF LE SUEUR COUNTY FROM THE TOWN OF LE SUEUR, TO THE VILLAGE OF CLEVELAND, IN SAID COUNTY.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the county seat of Le Sueur county in the state of Minnesota, be and the same is hereby removed from the town of Le Sueur where it is now located, to the village of Cleveland, in said county.

SEC. 2. At the time of giving notice of the next general election, it shall be the duty of the officers of said county of Le Sueur, required by law to give notice of such election, to give notice in like manner that at said election a vote will be taken on the question of adopting this act removing the county seat from the town of Le Sueur to the village of Cleveland, as provided in section one of this act. But no failure of or irregularity in such notice or in the giving of such notice, shall in any way vitiate the vote on such question.

SEC. 3. At said election the electors of said county in favor of the removal of the said county seat, as provided in this act, shall have distinctly written or printed, or partly written and partly printed on their ballots, "for removal of county seat," those opposed to such removal, "against removal of county seat." And such bal-

lots shall be received by the judges of election and canvassed at the same time and in the same manner, and returned to the same officers as votes for county officers.

SEC. 4. The county canvassing board of said county of Le Sueur, to which said election returns shall be made, shall canvass the votes on said question at the same time and in the same manner as returns of the votes for county officers. And if upon such canvass being made it shall appear that a majority of the votes cast at such election were voted in favor of the adoption of this act, and for the removal of the county seat, then an abstract of the canvass of said votes shall be made separate and distinct from the other county returns of said election, and signed and certified in the same manner as in cases of abstract of votes for county officers, and shall be deposited in the office of the county auditor of said county of Le Sueur, and the said county auditor shall immediately thereafter transmit to the secretary of state a true copy of said abstract, duly certified by said auditor.

SEC. 5. If this act shall be adopted by a majority of the electors of said county of Le Sueur voting at said election, then in that case the governor of the state shall forthwith make proclamation as provided by law in such cases. And it is hereby made the duty of all officers who are required by law to hold their offices at the county seat, to remove their said offices, books, papers and records to the county seat in the village of Cleveland, within thirty (30) days after the removal of said county seat as is in this act provided, without further or other notice than as above provided. And any failure, neglect or delay to so remove each and every office, as herein directed, shall operate as a forfeiture of all and every right of the officer or officers who may refuse, neglect or delay, to comply with all the requirements of this act, to the further continuance in any of the offices that he or they shall neglect or refuse to remove as above directed.

SEC. 6. All acts or parts of acts inconsistent with this act, are hereby repealed.

SEC. 7. This act shall take effect and be in force from and after its passage, except section one, (1) which is to take effect and be in force from and after the adoption of the same as provided herein.

Approved February 24, 1874.

CHAPTER LXXV.

AN ACT TO REMOVE THE COUNTY SEAT OF SIBLEY COUNTY, ON NEXT GENERAL ELECTION BY A VOTE OF THE LEGAL VOTERS OF SAID COUNTY.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the county seat of Sibley county be and the same is hereby removed from its present location and established and located on section four (4), township one hundred and twelve (112), range twenty-seven west, in said county of Sibley. *Provided*, A majority of the electors of said county shall vote in favor thereof.

SEC. 2. At the time of giving the notice of the next general election, it shall be the duty of the officers in said county required by law to give notice of such election, to insert in the notice for said election, an article requiring the electors of said county to vote at said election upon the question of the adoption of section one of this act. But no failure of or irregularity in such notice shall in any way vitiate the vote on such question.

SEC. 3. At said election the electors of said county shall vote for or against the said removal of said county seat, as follows: The ballots shall be printed or written or partly printed and partly written on their ballots the words "For removal of county seat" or "Against removal of county seat," and such ballots shall be received by the judges of election and canvassed at the same time in the same manner and returned to the same office as ballots for county officers.

SEC. 4. The canvassing board for said county shall canvass the returns upon said question at the same time and in the same manner as returns for county offices, and the abstract thereof shall be duly certified, and a duly certified copy thereof shall, within three days after such canvass, be forwarded to the secretary of state, and the governor shall thereupon forthwith, if section one of this act shall be adopted, make proclamation to that effect, in such manner as he may deem advisable.

SEC. 5. All acts and parts of acts inconsistent with this act, are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage. *Provided*, That nothing in this act shall be construed

to effect or change the county seat from its present location, until it shall appear that a majority of votes cast at the election herein provided in said county of Sibley are in favor of such removal. But in case a majority of the electors voting at said election vote for said removal, all officers who are required to hold their office at the county seat shall, within sixty days after notice from the county board that the court house and buildings for said officers are completed, remove to and hold their offices at the new county seat, and any failure to so remove said offices shall operate as a forfeiture of their said offices. *Provided further*, That said buildings shall be good and suitable buildings, and shall be built, completed and finished [furnished] ready for use and occupation within one year after the adoption of this act.

Approved March 9, 1874.

CHAPTER LXXVI.

AN ACT TO CHANGE THE NAME OF THE TOWNSHIP OF "REE" IN THE COUNTY OF YELLOW MEDICINE.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the name of the township of "Ree" in the county of Yellow Medicine be and the same is hereby changed to the township of "Normannia."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER LXXVII.

AN ACT TO CHANGE THE NAME OF THE TOWNSHIP OF MARSHNER, RENVILLE COUNTY, TO THAT OF NORFOLK.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the name of the township of Marshner, in the county of Renville, state of Minnesota, be and the same is hereby changed to that of Norfolk.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER LXXVIII.

AN ACT TO CHANGE THE NAME OF THE TOWN SITE OF YOUNG AMERICA STATION, IN THE COUNTY OF CARVER, TO THAT OF NORWOOD.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the name of the town site of Young America Station, in the township of Young America, in the county of Carver, be, and the same is hereby changed to that of Norwood, by which last mentioned name the said town site for all purposes whatsoever shall hereafter be called and known.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 2, 1874.

CHAPTER LXXIX.

AN ACT TO CHANGE THE NAME OF THE TOWNSHIP OF BUCEPHALIA, IN THE COUNTY OF MARTIN, TO THAT OF FOX LAKE TOWNSHIP.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the township of Bucephalia, in the county of

Martin, state of Minnesota, is hereby changed to that of Fox Lake township by which name it shall hereafter be designated for all purposes whatsoever.

SEC. 2. All records, plats, proceedings and documents of whatsoever nature which are now the property and records of the said town of Bucephalia are hereby declared to be and for the purposes of this act are the records, plats, proceedings and documents of the township of Fox Lake, and all officers, moneys, credits and effects which are now of the town of Bucephalia are hereby declared to be the officers, moneys, credits and effects of the town of Fox Lake.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 12, 1874.

CHAPTER LXXX.

AN ACT TO CHANGE THE NAME OF ANDERSON TOWNSHIP, IN THE COUNTY OF POPE, TO THAT OF WALDEN.

Be it enacted by the Legislature of the State of Minnesota:

SEC. 1. That the name of township number one hundred and twenty-four (124) north, of range number forty (40) west, in Pope county, is hereby changed from Anderson to that of Walden.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 24, 1874.

CHAPTER LXXXI.

AN ACT TO CHANGE THE NAME OF TOWN OF SLETVOLD, IN OTTER TAIL COUNTY, MINNESOTA.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the name of the township of Sletvold, in the county of Otter Tail, and state of Minnesota, be, and the same is hereby changed to that of Oscar, by which said last mentioned name the said township shall, for all purposes whatsoever, be hereafter called and known.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 26, 1874.

CHAPTER LXXXII.

AN ACT TO CHANGE THE NAME OF THE FIRST SCANDINAVIAN EVANGELICAL LUTHERAN CHURCH OF THE CITY OF MANKATO.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the name of the First Scandinavian Evangelical Lutheran Church of the city of Mankato be, and the same is hereby changed to that of "Trinity Norwegian Evangelical Lutheran Church of the city of Mankato."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER LXXXIII.

AN ACT TO CHANGE THE NAME OF THE SCANDINAVIAN METHODIST EPISCOPAL CHURCH OF SAINT PAUL.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the name of The Scandinavian Methodist Episcopal Church of Saint Paul be and the same is hereby changed to "The First Swedish Methodist Episcopal Church of Saint Paul."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER LXXXIV.

AN ACT TO CHANGE THE NAME OF THE SAINT GEORGE'S ASSOCIATION OF ST. PAUL, TO THAT OF "THE SAINT GEORGE'S SOCIETY OF ST. PAUL."

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the name of the corporation known as the "Saint George's Association, of Saint Paul," be, and the same is hereby changed to the "Saint George's Society of Saint Paul."

SEC. 2. That the change in said name shall in no manner affect the rights, privileges and property of said corporation, or any member thereof, or person or persons whatever, but said corporation shall proceed under the proposed name as under the former name.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 13, 1874.

CHAPTER LXXXV.

AN ACT TO CHANGE NAME OF THE MARSHALL STREET BAPTIST CHURCH OF THE CITY OF MINNEAPOLIS, TO THE FIFTH AVENUE BAPTIST CHURCH.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. The name of the Marshall street Baptist Church of the city of Minneapolis, is hereby changed to the Fifth Avenue Baptist Church of the city of Minneapolis, and under such name shall succeed to all the rights, privileges, property and estate of the said Marshall street Baptist Church.

SEC. 2. The officers of the said Marshall street Baptist Church are hereby constituted officers of the said Fifth avenue Baptist Church.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 7, 1874.

CHAPTER LXXXVI.

AN ACT TO CHANGE THE NAME OF THE "TRUSTEES OF THE FIRST NORWEGIAN EVANGELICAL LUTHERAN CHURCH OF DULUTH, MINNESOTA," TO THE NORWEGIAN AND DANISH EVANGELICAL LUTHERAN CHURCH OF DULUTH, MINNESOTA.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the name of that certain religious corporation located in Duluth, in the county of St. Louis and state of Minnesota, incorporated by certificate dated the 30th day of January, eighteen hundred and seventy-one, and recorded in the office of the register of deeds of said county on the 2d day of February, eighteen hundred and seventy-one, in book "A" of agreement records on page 456, under the name of the "Trustees of the First Norwegian Evangelical Lutheran Church of Duluth, Minnesota," be and the same is hereby changed to the "Trustees of the First Norwegian and Danish Evangelical Lutheran Church of Duluth, Minnesota."

Sec. 2. That the present trustees of said corporation and their successors, to be appointed according to the rules and discipline of the "Norwegian and Danish Evangelical Lutheran Church in America," shall be and continue such body corporate by the name last aforesaid, with all the rights and privileges of other religious corporations formed under the laws of this state, and all property of said corporation shall remain intact, and shall be held, and may be conveyed by said corporation under said last mentioned name.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 2, 1874.

CHAPTER LXXXVII.

AN ACT TO REPEAL SECTION TWO OF CHAPTER FIFTY-NINE OF THE SPECIAL LAWS OF THE YEAR ONE THOUSAND EIGHT HUNDRED AND SIXTY-THREE, ENTITLED "AN ACT TO CHANGE THE NAME OF ANN JANE CLARK TO THAT OF CATHARINE HACK."

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That section two of chapter fifty-nine of the special laws of the year one thousand eight hundred and sixty-three be and the same hereby is repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER LXXXVIII.

AN ACT TO REPEAL SECTION TWO OF CHAPTER EIGHTY OF THE SPECIAL LAWS OF THE YEAR ONE THOUSAND EIGHT HUNDRED AND SIXTY-TWO, ENTITLED "AN ACT TO CHANGE THE NAME OF WILLIAM STAHLER, TO THAT OF WILLIAM HACK."

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That section two of chapter eighty of the special laws of the year one thousand eight hundred and sixty-two, be and the same hereby is repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER LXXXIX.

AN ACT TO CHANGE THE NAME OF HENRY ILLINGWORTH TO THAT OF JOHN CHEEVER, AND MAKE HIM HEIR-AT-LAW OF CATHERINE CHEEVER.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. The name of Henry Illingworth, a minor now under [under] charge of and in the custody of Catherine Cheever, be and the same is hereby changed to that of John Cheever; and that said minor be and he is hereby declared to be the heir-at-law of the said Catherine Cheever, as fully and to all intents and purposes as if he was the natural born son of said Catherine Cheever.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER XC.

AN ACT TO PROVIDE FOR SURVEYING, LOCATING AND ESTABLISHING A STATE ROAD FROM THE TOWN OF HINCKLEY, IN PINE COUNTY, TO SNAKE RIVER IN AITKIN COUNTY.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That W. H. Grant [and] H. B. Gordon, of Hinckley, and Hiram Brackett, of Pine City, are hereby appointed commissioners to locate, mark, survey and establish a state road from Hinckley, in the county of Pine, through the counties of Pine, Kan-

abec and Aitkin, to a point on Snake River, in said county of Aitkin, in township forty-three (43) of range twenty-three (23.)

SEC. 2. That said commissioners or a majority of them shall meet at the town of Hinckley aforesaid, at any time after the passage of this act, and before the first day of October next, and then and there proceed to locate and survey said road, commencing at such point on the present county road leading from Hinckley to Grindstone Lake, as they may think proper.

SEC. 3. That said commissioners are hereby authorized to employ one surveyor, two chainmen, two axemen, one cook and one packer, who together with said commissioners shall receive the sum of three dollars per day for their services, except the surveyor, who shall receive five dollars per day for his services.

SEC. 4. Said commissioners shall, on or before the first day of November next, cause an accurate plat of the survey and location of said road to be made and filed in the office of the county auditor of such [each] county through which said road shall pass.

SEC. 5. The expenses incurred in the surveying, locating and establishing said road, shall be paid by the counties through which or in which said road shall run, in proportion to the distance it shall run in said counties.

SEC. 6. It shall be the duty of said commissioners to appraise the damage that may accrue to the owner of any lands through which said road may be established, and on or before the first day of November next, to file such appraisement in the office of the county auditor of the county in which such land is situate.

SEC. 7. Any owner of any lands through which said road may pass, may appeal from the appraisement of damages made by said commissioners to the district court of the proper county, within six months after the filing of said appraisement as aforesaid, but not afterwards.

SEC. 8. Such appeal shall be taken by the service of a notice in writing upon the county auditor of the county in which such lands are situated, and the filing in the office of the clerk of the district court a copy of such notice with proof such service, and such appeal shall be prosecuted and determined in said court as other cases.

SEC. 9. All damages appraised by said commissioners or determined and awarded by the court, shall be paid by the county in which the land is situated.

SEC. 10. This act shall take effect from and after its passage.

Approved March 9, 1874.

CHAPTER XCI.

AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A STATE ROAD FROM BENSON TO LAC QUI PARLE AND THENCE TO WINONA AND SAINT PETER RAILROAD THROUGH SWIFT, CHIPPEWA LAC QUI PARLE AND YELLOW MEDICINE COUNTIES.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That L. C. Laird, Wm. M. Mills and Charles A. Gould are hereby appointed to survey, locate and establish a state road from Benson, Swift county, Minnesota, through Chippewa and Lac qui Parle counties, to Lac qui Parle, and thence to the line of the Winona and St. Peter railroad in Yellow Medicine county, striking said railroad at a point at or near the northeast corner of section No. 22 township No. 115 north of range No. 46 west, 5th principal meridian, by the shortest advisable route.

SEC. 2. It shall be the duty of said commissioners to meet at Lac qui Parle on or before the first day of June, A. D. 1874, and there make oath that they will faithfully discharge the duties as provided by this act, and impartially assess the damages if any, sustained by the owners of land through which said road may pass, which oath shall be subscribed by each of the commissioners and deposited with the person before whom it was taken.

SEC. 3. The said commissioners are hereby authorized to employ all necessary help and all reasonable expenses incurred by them shall be paid by the counties through which the said road may pass in proportion to the length of said road in each of the counties respectively, as certified to by the said commissioners, and all damages awarded by said commission, shall be paid by the counties through which the land is located to which the damages pertain as certified to by the said commissioners.

SEC. 4. The said commissioners shall cause a substantial survey to be properly marked to be set at each angle of said road, and stake monuments to be erected upon all slightly elevations and such other places on said road as they may deem advisable, and one or more furrows to be ploughed upon said road in the unsettled parts of the country, and in such other places as they may determine, and the said commissioners shall cause accurate plats of said road to be deposited in the office of "register of deeds," in each of the counties through which said road may pass, together with an accurate sketch

ment of all damages awarded by them, the said commissioners, which said plat and statement of damages shall be signed and certified to by the said commissioners.

SEC. 5. The making and filing of the plats of said road in the manner prescribed by section four of this act shall be sufficient to establish the said road without any further orders or instrument whatever.

SEC. 6. It shall be the duty of the commissioners to appraise the damages sustained by each owner of lands through which said road may pass, and if any person feel aggrieved by such appraisement he may, within thirty days after notice of such appraisal, by himself or agent, appeal to the district court of the county in which such lands are located, in the manner provided for appeals from justice court. *Provided*, That the posting in three conspicuous places for the period of thirty days in each of the counties through which the said road may run, a statement of the damages awarded by the said commissioners, or the publication for three weeks of said statement of damages in any newspaper published in either of the counties through which the said road may run, shall be sufficient notice as required by this act.

SEC. 7. A majority of the commissioners named in this act shall have full authority to act as required herein, and in case a majority of said commissioners cannot be found to act, then upon the notification of such by either of said commissioners the governor of the state may appoint to fill vacancies.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 4, 1874.

CHAPTER XCII.

AN ACT TO PROVIDE FOR LAYING OUT A STATE ROAD FROM ALEXANDRIA, IN DOUGLAS COUNTY, TO PARKER'S PRAIRIE, IN OTTER TAIL COUNTY.

As it enacted by the Legislature of the State of Minnesota :

SECTION 1. That E. A. Williams and Robert Coats, of Douglas county, and S. W. McLogan, of Otter Tail county, are hereby

appointed commissioners to locate, survey and establish a state road from Alexandria, in Douglas county, by way of lake Miltona and lake Irene, in Douglas county, thence by the nearest and most practicable route to intersect the road leading from Parker's Prairie to Wadena, in Wadena county.

SEC. 2. Said commissioners shall meet in Alexandria, on or before the first day of May, 1874, and proceed to discharge their duties under this act, and if any of said commissioners shall from any cause be unable to perform the duties imposed by this act, he shall have power to appoint a substitute, which appointment shall be in writing and the person so appointed shall have the same authority as one of the commissioners named in this act.

SEC. 3. Said commissioners are hereby authorized to employ in locating said road, one surveyor, one axeman, and two chainmen; *Provided*, That said commissioners shall not receive more than two dollars and fifty cents per day, and the axeman and chainmen shall not receive more than one dollar and fifty cents per day each for their services.

SEC. 4. Said commissioners shall cause accurate plats of the survey and location of said road to be made, particularly describing the route thereof by courses and distances, one of which shall be filed in the office of the county auditor of each of said counties.

SEC. 5. At each angle in said road there shall be a good and substantial stake set and marked "angle," and at each mile station of the line of said road there shall be a good and substantial stake set and marked with the distance from the point of starting.

SEC. 6. The expense of locating said road shall be paid by the respective counties in which said road may pass in proportion to the distance it may run in each county.

SEC. 7. The said commissioners shall at the time of locating said road appraise the damages or compensation to be paid to each person through whose land the same may pass and shall file in the office of the county auditor of each county a statement of such appraisal of damages for lands therein taken for said road, at the time when they file the survey and plats of the same in the office of the county auditor, and upon the filing of said survey, plats and appraisal in the office of the said county auditor the said road shall be deemed established and said damages or compensation shall be deemed secured, and the amount of such appraisal in each county shall be levied upon the taxable property of said county and be entered and extended upon the tax roll thereafter to be made and the amount of each appraisal shall be paid to the person or persons entitled thereto.

SEC. 8. Any person deeming himself or herself aggrieved by such appraisal of his or her compensation may appeal therefrom to

district court of the county in which such lands are situated, by serving a notice of such appeal upon the county attorney of said county, and serving a copy thereof upon two of the commissioners appointed by this act and filing in the office of the county auditor of said county a copy of said notice of appeal with proof of service thereof on the county attorney and said commissioners, the county auditor shall certify a copy of the appraisal appeal from the district court within ten days after filing the notice of appeal in his office. *Provided*, That all appeals shall be taken within thirty days after the filing of the appraisal in the office of the county auditor.

SEC. 9. The town supervisors of the towns through which said road shall pass shall cause the same to be opened on or before the first day of May, eighteen hundred and seventy-five.

SEC. 10. This act shall take effect and be in force from and after its passage.

Approved March 4, 1874.

CHAPTER XCIII.

AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A STATE ROAD FROM GRANITE FALLS, YELLOW MEDICINE COUNTY, TO THE WESTERN LINE OF THE STATE.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That L. C. Laird, H. S. Berg and C. E. Clark are hereby appointed to survey and establish a state road from Granite Falls, Yellow Medicine county, as near as practicable on the section line, one mile north of the south boundary of township one hundred and sixteen, to the western line of the state.

SEC. 2. It shall be the duty of the said commissioners to meet at Granite Falls on or before the first day of June, A. D. one thousand eight hundred and seventy-four, and there make oath that they will faithfully discharge their duties as provided by this act, and impartially assess the damages, if any, sustained by the owners of land through which said road may pass, which oath shall be subscribed by each of the commissioners and deposited with the person before whom it was taken.

SEC. 3. The said commissioners are hereby authorized to employ

all necessary help, and all reasonable expenses incurred by them shall be paid by the counties through which the said road may pass, in proportion to the length of said road in each of the counties respectively, as certified to the said commissioners, and all damages awarded by said commissioners shall be paid by the county in which the land is located to which the damages pertain, as certified to by the said commissioners.

SEC. 4. The said commissioners shall cause a substantial stake, properly marked, to be set at each angle of said road, and stakes or monuments to be erected upon all slightly elevations, and such other places on said road as they may deem advisable, and one or more furrows to be plowed upon said road, in the unsettled parts of the country, and in such other places as they may determine. And the said commissioners shall cause accurate plats of said road to be filed in the office of register of deeds in each of the counties through which the said road may pass, together with an accurate statement of all damages awarded by them, the said commissioners, which said plat and statement of damages, shall be signed and certified to by the said commissioners.

SEC. 5. The making and filing of the plats of the said road in the manner prescribed by section four of this act, shall be sufficient to establish the said road without any further orders or instruments whatever.

SEC. 6. It shall be the duty of the said commissioners to appraise the damages sustained by each owner of lands through which the said road may pass, and if any person feels aggrieved by such appraisement, he may within thirty days after notice of such appraisal, by himself or agent, appeal to the district court of the county in which such land is located, in the manner provided for appeals from justice court; *Provided*, That the posting in three conspicuous places for the period of thirty days in each of the counties through which the said road may run, a statement of the damages awarded by the said commissioners, or the publication for three weeks of the said statement of damages in any newspaper published in either of the counties through which the said road may run, shall be sufficient notice as required by this act.

SEC. 7. A majority of the commissioners named in this act, shall have full authority to act as required herein, and in case a majority of the said commissioners cannot be found to act, then upon notification of such fact by either of said commissioners, the governor of the state may appoint to fill vacancies.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER XCIV.

AN ACT TO PROVIDE FOR LAYING OUT AND OPENING A STATE ROAD FROM BRAINERD, IN CROW WING COUNTY, TO WHITE OAK POINT IN SAME COUNTY.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Edward Morse and Narcisse Gravelle of Crow Wing county, and Wm. H. Lawrence of Hennepin county in the state of Minnesota are hereby appointed commissioners to survey, locate and establish and open a state road from Brainerd, in the county of Crow Wing and state aforesaid, to White Oak point, on the Mississippi river in the northern part of said county, by the most direct and practicable route.

SEC. 2. That said commissioners shall meet at such time and place convenient to them, as they may select, and proceed to discharge the duties imposed upon them by this act; *Provided*, That if either of said commissioners shall be unable to discharge the duties imposed upon them by this act, the others shall have the power to substitute some person to act in his place, and such action by such substitute shall have the same effect as if he were appointed commissioner by this act.

SEC. 3. That said commissioners are hereby authorized to employ a surveyor, axeman and chainman, and it shall be their duty to cause said road to be accurately surveyed and platted, and file a copy thereof in the office of the county auditor of said Crow Wing county.

SEC. 4. That the expense of viewing, locating and opening said road shall be paid by said county of Crow Wing; *Provided*, That said commissioners shall not receive more than four dollars per day, the surveyor not more than five dollars per day and the axeman and chainman not more than two dollars per day, for every day they shall be actually employed on said road.

SEC. 5. The said commissioners shall at the time of locating said road, appraise the damages or compensation to be paid to any person through whose land the same shall pass, and shall file in the office of the county auditor of each county a statement of such appraisals of damages for lands therein taken for said road at the time when they shall file the survey and plats of the same in said auditor's office, and upon the filing of said survey, plats and appraisal in said auditor's office, the said road shall be deemed established and

said damages or compensation shall be deemed secured, and the amount of such appraisal shall be levied upon the taxable property of said county, and be entered and extended on the tax roll thereof next thereafter to be made, and the amount of each appraisal shall be paid to the person or persons entitled thereto.

SEC. 6. Any person deeming himself or herself aggrieved by such appraisal of his or her compensation, may appeal therefrom to the district court of said county by serving a notice of appeal upon the county attorney of said county, and filing in the office of the county auditor of said county a copy of said notice of appeal, with proof of service thereof on the county attorney. The county auditor shall certify a copy of the appraisal appealed from to the district court within ten days after filing the notice of appeal in his office. Such appeal shall be taken within thirty days after the filing of the appraisal in the office of the county auditor.

SEC. 7. Said commissioners are hereby authorized to procure from the owners of lands through which said road shall pass, the gratuitous right of way, or releases from all damages or compensation for opening said road, and file the same with the auditor of said county.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER XCV.

AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A STATE ROAD FROM HANCOCK, IN STEVENS COUNTY, VIA APPLETON TO THE MINNESOTA RIVER.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That L. C. Laird, A. W. Lathrop and C. A. Anderson are hereby appointed to survey, locate and establish of state road from Hancock, in Stevens county *via* Appleton to the Minnesota river by the shortest practicable route.

SEC. 2. It shall be the duty of the said commissioners to meet at Hancock on or before the first day of June, A. D. eighteen hundred and seventy-four, and there make oath that they will faithfully

discharge their duties as provided by this act and impartially assess the damages, if any, sustained by the owners of lands through which said road may pass, which oath shall be subscribed by each of the commissioners and deposited with the person before whom it was taken.

SEC. 3. That said commissioners are hereby authorized to employ all necessary help, and all reasonable expenses incurred by them shall be paid by the counties through which the said road may pass, in proportion to the length of said road in each of the counties respectively, as certified to the said commissioner[s], and all damages awarded by said commissioners shall be paid by the county in which the land is located to which the damages pertain, as certified to by the said commissioner[s].

SEC. 4. The said commissioners shall cause a substantial stake, properly marked, to be set at each angle of said road, and stakes or monuments to be erected upon all slightly elevations and such other places on said road as they may deem advisable, and one or more furrows to be plowed upon said road in the unsettled parts of the country, and in such other places as they may determine, and the said commissioners shall cause accurate plats of said road to be filed in the office of register of deeds in each of the counties through which the said road may pass, together with an accurate statement of all damages awarded by them, the said commissioners, which said plat and statement of damages shall be signed and certified to by the said commissioners.

SEC. 5. The making and filing of the plat of said road in the manner prescribed by section four of this act, shall be sufficient to establish the said road without any further orders or instruments whatever.

SEC. 6. It shall be the duty of the said commissioners to appraise the damages sustained by each owner of lands through which the said road may pass, and if any person feel aggrieved by such appraisal, he may within thirty days after notice of such appraisal, by himself or agent, appeal to the district court of the county in which such land is located, in the manner provided for appeals from justice court; *Provided*, That the posting in three conspicuous places for the period of thirty days in each of the counties through which the said road may run, a statement of the damages awarded by the said commissioners or the publication for three weeks of the said statement of damages in any newspaper published in either of the counties through which said road may run, shall be sufficient notice as required by this act.

SEC. 7. A majority of the commissioners named in this act, shall have full authority to act as required herein, and in case a majority of the said commissioners cannot be found to act, then

upon the notification of such fact by either of the said commissioners, the governor of the state may appoint to fill vacancies.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER XCVI.

AN ACT TO PROVIDE FOR LAYING OUT A STATE ROAD FROM RUSH CITY, IN THE COUNTY OF CHISAGO, VIA RUSH LAKE, TO CAMBRIDGE, IN THE COUNTY OF ISANTI, AND TO APPROPRIATE MONEY THEREFOR.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That P. A. Flynn and James Erickson, of Chisago county, and Daniel Anderson, of Isanti county, are hereby appointed commissioners to locate, survey and establish a state road from Rush City, Chisago county, via Rush Lake, to Cambridge, in Isanti county, said road to connect with the state road from Cambridge to Princeton, in Mille Lacs county.

SEC. 2. Said commissioners shall meet in Rush City on or before the fifteenth day of June, eighteen hundred and seventy-four, and proceed to discharge their duties under this act, and if any of the said commissioners appointed under this act shall from any cause be unable to perform the duties imposed by this act, he shall have the power to appoint a substitute, which appointment shall be in writing and the person so appointed shall have the same authority as one of the commissioners named in this act.

SEC. 3. Said commissioners are hereby authorized to employ in locating said road, one surveyor, one axeman and two chainman. *Provided*, That said commissioners shall not receive more than two dollars and fifty cents each per day, the axeman and chainman not more than one dollar and fifty cents each per day, and the surveyor nor more than four dollars per day, for their services.

SEC. 4. Said commissioners shall cause accurate plats of the survey and location of said road to be made, particularly describing the route thereof by courses and distances, one of which shall be filed in the office of the county auditor of each of said counties.

SEC. 5. At each end, at each angle, and at each mile station of

the line of said road, a substantial stake shall be set, and said stake shall be marked with the distance thereon from the point of starting.

SEC. 6. The expenses of locating said road shall be paid by the respective counties in which said road may pass in proportion to the distance it may run in each county.

SEC. 7. The said commissioners shall at the time of locating the said road, appraise the damages or compensation to be paid to each person through whose land the same may pass, and shall file in the office of the county auditor of each county a statement of such appraisal of damages for lands therein taken for said road, at the time when they shall file the survey and plats of the same, in said auditors office, and upon filing of said survey, plats and appraisal in the office of said county auditors the said road shall be deemed established, and said damages or compensation shall be deemed secured, and the amount of such appraisal in each county shall be levied upon the taxable property of said county, and be entered and extended upon the tax roll thereof, next thereafter to be made, and the amount of each appraisal shall be paid to the person or persons entitled thereto.

SEC. 8. Any person deeming himself or herself aggrieved by such appraisal of his or her compensation, may appeal therefrom to the district court of the county in which said lands are situated, by serving a notice of such appeal upon the county attorney of said county, and serving a copy thereof upon two of the commissioners appointed by this act, and filing in the office of the county auditor of said county a copy of said notice of said appeal, with proof of service thereof on the county attorney and said commissioners. The county auditor shall certify a copy of the appraisal appealed from to the district court, within ten days after filing the notice of appeal in his office; *Provided*, That all appeals shall be taken within thirty days after the filing of the appraisal in the office of the county auditor.

SEC. 9. The town supervisors of the towns through which said road shall pass, shall cause the same to be opened by the 15th day of December, 1874.

SEC. 10. And there is hereby appropriated out of the internal improvement fund not otherwise appropriated, the sum of three hundred dollars, to the county of Chisago, and fifty dollars to the county of Isanti, to assist in the building of said road, to be expended under the direction of the county commissioners of the said counties, and the state auditor is hereby directed to draw his warrant on the state treasurer in favor of said counties for the above amounts on the certified statements of the commissioners named in this act, that the road is laid out and located.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER XCVII.

AN ACT TO PROVIDE FOR THE LAYING OUT AND ESTABLISHING CERTAIN STATE ROADS BETWEEN THE CITIES OF MINNEAPOLIS, IN HENNEPIN COUNTY, AND ST. PAUL, IN RAMSEY COUNTY.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the county commissioners of Hennepin and Ramsey counties are hereby authorized and required to locate, survey and establish a state road; commencing at the state university, in the city of Minneapolis, thence continuing University avenue in a direct line as near as practicable to the county line, thence easterly by the most direct and practicable route conforming to the old territorial road wherever practicable to secure the best location, to Melrose avenue, in the city of St. Paul; also, that the said county commissioners are hereby authorized and required to locate, survey and establish a state road from the state university aforesaid in an easterly direction, conforming as nearly as practicable to the section line between sections twenty-four and twenty-five (24 and 25) in township twenty-nine (29), in range twenty-four (24), and between sections nineteen and thirty (19 and 30) in township twenty-nine (29), range twenty-three (23), to the county line; thence eastward on or near said line to Lake Como or the city limits of Saint Paul, adopting, so far as practicable, any road now established in Ramsey county, or near said line.

SEC. 2 That the county boards of Hennepin and Ramsey counties shall, at their meeting on the first Monday in April, A. D. eighteen hundred and seventy-four, appoint from their members a committee who shall meet at the state university on or before the twentieth day of April, A. D. eighteen hundred and seventy-four, and then and there proceed to discharge their duties under this act, and employing a competent surveyor and chairman [chainman] to assist in locating said road. That failure to meet or to act as above required at the specified time shall not inviolate this act, but that action shall be had after said dates as early as practicable.

SEC. 3. Said commissioners shall cause accurate plats of the survey and location of the said roads to be made, particularly describing the route by courses and distances, and at each mile station along the line of said roads a stone post shall be set, marked thereon the distance from the point of starting.

SEC. 4. The said roads shall be one hundred (100) feet in width from the line of the city limits of Minneapolis to the line of the city limits of Saint Paul, and the width of the remainder of said roads inside the city limits of Minneapolis and St. Paul shall be left as laid out and platted by the city, and the roadway shall be opened sixty feet in width, and made in good condition for travel at the expense of the counties through which the said roads pass, and the expense of locating said roads shall be paid by the counties according to the distance they may run in each county.

SEC. 5. The said commissioners shall, at the time of locating said roads appraise the damages to be paid to each person through whose land the same may pass, after taking into consideration the advantages and benefits that may be derived from said roads and shall file in the office of the county auditor of each of said counties of Hennepin and Ramsey, a statement of such appraisal of damages for lands therein taken for said roads, which shall be paid by the county in which the land is situated. That said commissioners shall, as far as practicable, obtain from owners of lands releases of right of way of said roads, and in all such cases shall make no appraisal of damages or benefits.

SEC. 6. Any person deeming himself or herself aggrieved by said appraisal, may appeal therefrom to the district court of the county in which such lands are situated, by serving a notice of such appeal upon the county attorney of said county, and a copy thereof on the chairman of the county board, and also filing in the office of the county auditor of said county, a copy of said appeal, with proof of same thereof on the county attorney and chairman of said board. The county auditor shall then certify a copy of said appeal and appraisal to the district court, within ten days after filing the notice of appeal in his office. *Provided*, That all appeals shall be taken within thirty days after the filing of the appraisal in the office of the county auditor.

SEC. 7. The said commissioners, after completing their duties under this act, shall file the surveys and plats of said roads, with their report locating the same and awarding damages in the county auditor's office of their respective counties. After which said boards shall be declared established, and the damages assessed paid by the counties in which the land is situated.

SEC. 8. The county commissioners of Hennepin and Ramsey counties in their discretion shall make appropriations to open said

roads; and the aldermen of the cities of Minneapolis and St. Paul, and the town and city supervisors of the towns, cities and counties through which said roads pass, shall cause the same to be opened and made in good condition for travel on or before the first day of December, A. D. 1874.

SEC. 9. This act shall be in force from and after its passage.
Approved March 5, 1874.

CHAPTER XCVIII.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO PREVENT THE RUNNING AT LARGE OF CATTLE AND OTHER DOMESTIC ANIMALS WITHIN THE COUNTIES OF DODGE, OLNSTED, GOODHUE AND MARTIN, AND THE SEVENTH SENATORIAL DISTRICT OF WINONA COUNTY, APPROVED MARCH TENTH, EIGHTEEN HUNDRED AND SEVENTY-THREE.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That chapter sixty-six of the special laws of eighteen hundred and seventy-three be amended so as to read as follows:

Sec. 1. That it shall be unlawful for any person or persons to allow any cattle, horses, or other domestic animals, owned by them, or of which they may be in possession, or have control, to run at large upon the public highways, or upon the lands of any other person or persons, during any season of the year, unless properly herded. *Provided*, That the provisions of this section shall not apply to any portion of the state of Minnesota except the counties of Dodge, Goodhue, Olmsted and Martin, and the seventh senatorial district of Winona county. *Provided further*, That a majority of the legal voters at any annual town meeting in the county of Olmsted may by resolution allow such animals to run at large in their respective towns.

SEC. 2. The owners or occupants of lands may distrain such beasts doing damage upon his lands, lying and being in the county and district aforesaid, and when any such distress is made, the distrainer shall keep such beasts in some secure place, other than the public pound, until his damages are appraised, and within twenty-

four hours after such distress, unless the same is made on Sunday, in which case before the Tuesday morning thereafter, he shall apply to a justice of the peace of the town, who shall appoint three disinterested inhabitants of such town to appraise the damage. Such appraisers shall receive, as compensation for their services, one dollar per day for every day actually consumed in making the appraisal, and six cents per mile as mileage in going to and returning from the place whence the damages are done, to be paid in the first instance by the distrainer, distance traveled and time spent to be certified to and made a part of the returns of said appraisers.

SEC. 3. The appraisers shall, immediately after their appointment, be duly sworn, and repair to the place and view the damages done, and they may take the evidence of any person of the facts and circumstances necessary to enable them to ascertain the extent of such damage, for which purpose the appraisers, or either of them, are authorized to administer an oath to every such witness.

SEC. 4. Within twenty-four hours Sundays excepted, after the damages are so appraised, unless the amount so ascertained and the fees of the appraisers, and fifty cents justice fees are paid the distrainer shall cause the beasts distrained to be put in the nearest pound in the same town, if there is one, and if there is no pound within the town, then in some inclosure within the county, there to remain until the same are sold as hereinafter directed, or until the damages are certified, and the fees of the appraisers and justice and costs of keeping the beasts are paid, and if such beasts are put in any pound, the distrainer shall deliver the certificate of the appraisers, to the keeper of such pound.

SEC. 5. The pound master shall receive and keep the beasts so delivered to him in the public pound, and shall within five days sell such beasts, or so many of them as are necessary, at public vendue giving at least three days' notice of such sale, by posting up the same at such pound and at three of the most public places within the town, when and where such sale is to be made; *Provided*, That the poundmaster or the person keeping such beasts shall furnish them with sufficient and appropriate food, and take good care of such beasts and shall be paid therefor as part of the fees and costs in such cases.

SEC. 6. If there be no pound within the town where such beasts are distrained, and the same are kept in an enclosure other than the public pound, such beasts or so many of them as are necessary to pay all damages done by said beasts together with all costs authorized by this chapter, shall be sold as soon as practicable at public vendue by or under the direction of the sheriff or any constable of the county, after like notice as is required in the case of constable sales of goods and chattels taken by execution; *Provided*, That

any person who purchases any animal so sold shall keep the same for the period of two months, and any person who owns said animal, may redeem the same within two months, by paying all costs and charges and the price at which such animal was sold, and interest at the rate of twelve per cent, per annum; *Provided further*, That if the owner of such beasts is known to the person distraining, he shall notify the owner within twenty-four hours after such distraining, if such owner resides within the same town, and if such owner does not reside with the same town but in the same or adjoining county, then within three days after such distraining, Sunday always excepted, such notice shall specify the time when and place where such beasts are distrained, the number of such beasts, and that the same are distrained for doing damage.

SEC. 7. From the proceeds of such sales the person making the same shall retain sufficient to pay the amount of his fees, the costs of keeping such beasts, and the charge of such sale, and he shall pay to the distrainer the damages so certified, with fees of appraisers and of the justice, and if there is any surplus, the same shall be paid to the owner of such beasts if known. If no owner appears at the time of such sale, or within one week thereafter, and claims such surplus, the same shall be paid to the treasurer of the county in which such sale is made.

SEC. 8. The county treasurer shall after deducting two per cent. for his fees pay such surplus money, if claimed within one year after the distress, to the owner of such beasts, if not claimed within that time to the school fund of that town in which the beasts were distrained.

SEC. 9. If any person without authority of law, and without first paying the damages and costs, takes such beasts after being distrained, out of the possession of the person making distress, or out of the possession of the sheriff, constable or poundmaster, as the case may be, without his consent, then such person shall be deemed to have committed a misdemeanor, and shall be punished therefor by fine not exceeding one hundred dollars, or by imprisonment not exceeding three months, and shall also be liable in double the amount of damages committed by such beasts, to the person injured thereby.

SEC. 10. This act shall take effect and be in force from and after its passage.

Approved March 2, 1874.

CHAPTER XCIX.

AN ACT TO PREVENT CATTLE, SHEEP, HORSES AND OTHER DOMESTIC ANIMALS FROM RUNNING AT LARGE IN THE COUNTIES OF LYON, REDWOOD, YELLOW MEDICINE, MARTIN AND LAC QUI PARLE.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. It shall be unlawful for any person or persons to allow any horses, cattle or sheep by him or them owned, or which may be in his or their possession, or under his or their control, to run at large upon the public highways, or upon the lands of any other person, at any season of the year, within the counties of Lyon, Redwood, Martin, Yellow Medicine and Lac qui Parle.

SEC. 2. Whoever willfully or negligently permits any bull, ox, steer, cow, heifer, calf, horse, sheep or lamb, which may be in his possession or under his control, or which he may own, to run at large upon any public highway, or upon any land occupied or improved within either of the counties mentioned in the preceding section shall be guilty of misdemeanor and upon conviction thereof shall pay a fine of not less than one dollar and not to exceed the sum of five dollars for each offense.

SEC. 3. Each day upon which any animals in the preceding section mentioned is permitted to run at large in the places, and under circumstances in said section enumerated, shall constitute a distinct and separate offense within the meaning of this act.

SEC. 4. This act shall take effect and be in force from and after May fifteenth, A. D. eighteen hundred and seventy-four.

Approved February 25, 1874.

CHAPTER C.

AN ACT TO ESTABLISH AND DECLARE THE RIGHTS, POWERS AND RESPONSIBILITIES OF THE GREEN BAY AND MINNESOTA RAILROAD COMPANY, OF THE STATE OF WISCONSIN, WITHIN THE STATE OF MINNESOTA.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. The Green Bay and Minnesota Railroad Company, a corporation created, organized and existed under the laws of the state of Wisconsin, being desirous of extending its railway and business across the Mississippi river and into the city of Winona, in the state of Minnesota, is hereby authorized and empowered so to do, as well by actual extension and construction of its own railway as by acquiring the right to use and operate for the purposes of its business, as a part of its line or track, the railroad bridge across said river at Winona, and to purchase or lease any railroad tracks belonging to or constructed by any other railroad company in the city of Winona, to purchase and hold all necessary lands for tracks, depots, warehouses and shops, for the use of said company within said city; with power to use and enjoy all rights and powers of railroad companies organized and existing under the general laws of this state, for the condemnation of lands for the use of companies organized under the general laws of this state, and to any laws that have or shall be enacted regulating rate of taxation, or tariff on freight and passenger traffic, and for the operation and use of its road in said city of Winona; and said company shall be subject to all the liabilities of said railroad companies organized under the laws of this state.

SEC. 2. This act may be amended at the pleasure of the legislature, and shall not be so construed to grant to, or confer upon said Green Bay and Minnesota Railroad Company any rights or privileges which may be operative beyond the limits of said city, or to authorize the said company to consolidate with any other company.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER CL.

AN ACT TO AMEND CHAPTER NINETY-FOUR OF THE SPECIAL LAW OF MINNESOTA, FOR THE YEAR EIGHTEEN HUNDRED AND SEVENTY-THREE.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That chapter ninety-four of the special laws of Minnesota for the year eighteen hundred and seventy-three, be amended so as to read as follows, to-wit: That the administrators of the estate of G. H. Rogers, deceased, late of Cottage Grove, in the county of Washington, and state of Minnesota, and the guardian of the minor heirs of the said Rogers, are hereby authorized and empowered to bargain, sell, grant and convey by deed or mortgage at public or private sale, upon such terms and times of payment as may to them seem judicious, any or all of whatever real estate in Minnesota the said Rogers died seized of or entitled to in law or equity; *Provided*, That no deed or mortgage of such property shall be of any validity until the judge of probate of the county in which administration proceedings on said estate may be pending, shall have endorsed his approval on such deed or mortgage; and it is made the duty of such judge to make such endorsement upon being satisfied that the action of the said administrators and guardian in the premises has been judicious.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 24, 1874.

CHAPTER CII.

AN ACT TO REPEAL CHAPTER SEVEN (7) OF THE SPECIAL LAWS OF THE YEAR ONE THOUSAND EIGHT HUNDRED AND SIXTY-FIVE, (1865) BEING AN ACT IN RELATION TO THE TAXATION OF LANDS GRANTED TO THE SOUTHERN MINNESOTA RAILROAD COMPANY.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That chapter seven of the special laws of the year A. D. one thousand eight hundred and sixty-five, being an act in relation to the taxation of lands granted to the Southern Minnesota railroad company, be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 28, 1874.

CHAPTER CIII.

AN ACT EXTENDING THE TIME FOR THE COMPLETION OF THE
BRANCH LINES OF THE MINNEAPOLIS AND ST. LOUIS RAILROAD
[WAY] COMPANY.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the times for the commencement and completion of the branch lines of the Minneapolis and St. Louis railway to Hutchinson in McLeod county, and to Sauk Centre in Stearns county or Alexandria or Evansville in Douglas county, be and the same are hereby extended for the period of five years from the times now limited by law, and the said branch line to Sauk Centre or Alexandria or Evansville is hereby authorized to be extended to Fergus Falls in Ottertail county, and thence to an intersection with the Saint Paul and Pacific and Northern Pacific railroads, and said branch lines may be constructed of such width of roadway as may be determined by the board of directors thereof, and if the said branch lines shall be commenced and completed within said five years, they shall be entitled to all the benefits of the acts relating thereto as fully as if the same had been commenced and completed within the times heretofore limited by law. *Provided*, That passengers and freight shall always be carried on said lines of railroad at such reasonable and equitable rates as may be from time to time fixed by law.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 3, 1874.

CHAPTER CIV.

AN ACT RELATING TO THE MIDWAY IMPROVEMENT COMPANY.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. The Midway Improvement Company, a corporation

organized and existing under the laws of this state, is hereby authorized to remove obstacles from Midway Creek, in Carlton county, and to construct such dams, locks and other structures as may be necessary and proper in order to improve the navigability of said creek, and to facilitate the running of logs therein, and may construct, maintain and operate a boom or booms at such place or places in townships forty-eight and forty-nine, range sixteen west, in said Carlton county, as they may select. *Provided*, That said dams and booms shall be so constructed as not to hinder the free passage of rafts, boats or other watercrafts navigating said creek.

SEC. 2. The said company shall have power to acquire by purchase or otherwise title to any lands situated in the townships aforesaid, that may be deemed necessary for the improvements aforesaid, and in the conduct of its aforesaid business, and in case any part or parcel of said land not so purchased or leased, shall be necessary for the aforesaid purposes of said business, the said company shall have the right to enter upon and occupy such lands for the purpose of conducting the said business as in this act contemplated, upon proceeding in the manner prescribed by title one, of chapter thirty-four, of the general statutes, as amended for the condemnation of lands by the companies therein referred to; all of the provisions of which said title so far as they relate to the acquisition of the right of way are hereby made applicable to the said Improvement Company, for the purposes specified in this act. The said company is hereby authorized and required to receive and take into its custody all logs and timber which may run, come or be driven within the limits of the aforesaid township, and to boom, assort, secure and promptly deliver the same to their respective [several] owners. *Provided*, That all rafts of logs or timber made up above the limits of township forty-nine aforesaid, and destined for points south of township forty-eight aforesaid, shall be allowed free and unobstructed passage as is hereinbefore provided. As compensation for the improvement and boomage aforesaid, which shall also include the assorting and delivering of logs and timber, the said company shall be entitled to charge and collect sixty cents per thousand feet upon all logs and timber so borrowed [boomed] for the first five years, and until the legislature shall thereafter prescribe other reasonable rates for such service. *Provided*, That no logs or timber cut upon lands occupied by actual bona-fide settlers shall be subject to the operation of any of the provisions of this act.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER CV.

AN ACT TO SECURE THE PAYMENT OF CERTAIN DEBTS CONTRACTED
IN THE CONSTRUCTION OF CERTAIN LINES OF ROAD OF THE ST.
PAUL AND PACIFIC RAILROAD COMPANY.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. No lands now held, or that may hereafter be acquired, or held by the state to aid in the construction of the lines of railroad from Watab to Brainerd, and from St. Cloud to St. Vincent, or either of said lines, as now authorized to be constructed by the St. Paul and Pacific railroad company, for those portions of said railroads now ready for rolling stock, shall be conveyed, certified over or otherwise transferred by the state, or any of its officers, to the said railroad company, its successors or assigns, until payment is made of all debts and demands due to citizens of Minnesota, heretofore contracted or incurred in connection with the construction of said lines of railroad, or any part thereof, including all debts and liabilities contracted or incurred for grading, clearing, bridges, timber, cross-ties, surfacing track, right of way, engineering, laying iron rails, and all other work, and labor done and material furnished in the construction of said lines of railroad or any part thereof; *Provided, however,* That all such debts and claims shall be filed with the state auditor within sixty days after the passage of this act; *And provided, further,* That no debt or demand due to any other railroad corporation, their successors or assigns, shall be included within the provisions of this act.

SEC. 2. In case said debt or demands, or any thereof, are not paid within six months after the passage of this act, or, if disputed, within sixty days after the amount thereof shall have been determined by action or otherwise, then, and in such case, the governor is hereby authorized and directed to sell, or cause to be sold, at public sale, after giving six weeks public notice of the time and place of such sale, the lands, or so much thereof as may be necessary, now held, or that may be hereafter acquired or held by the state to aid in the construction of said lines of railroad so ready for rolling stock and apply the proceeds thereof in payment of said debts and demands; *Provided,* That the claimants shall commence suit for the adjudication of said disputed claims within sixty days after the denial thereof by said company.

SEC. 3. Any act that may be passed extending the time for the completion of said lines of railroad, or either of them, or continuing, renewing, or making a new or further grant of lands to aid in the construction of said lines of railroad, or either of them shall be subject to the provisions of this act in respect to the lands aforesaid, and this act shall not be construed as repealed or modified by any subsequent act, unless by express reference to the same, and in direct terms.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 21, 1874.

CHAPTER CVI.

AN ACT TO EXTEND THE TIME FOR THE COMPLETION OF BRANCH LINES OF RAILROADS OF THE ST. PAUL AND PACIFIC RAILROAD COMPANY.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the time for grading and completion by the St. Paul and Pacific Railroad Company, in accordance with the change of such branch lines authorized in and by an act of congress of the United States, passed March third, A. D. eighteen hundred and seventy one, entitled "an act authorizing the Saint Paul and Pacific Railroad Company to change its lines in consideration of a relinquishment of lands," be and the same is hereby extended as is hereinafter provided ; and the said company so completing the said lines within the times in this act limited, and upon the terms and conditions hereinafter contained, shall have and be entitled to the grant of lands in any act of congress heretofore made and provided in relation thereto, or to any extension of said grant of lands hereafter made by congress to said company, or to the state of Minnesota. And the company so completing said lines in accordance with the terms and conditions of this act, shall have and be entitled to all and singular the same rights, privileges, immunities, lands, and property, as if such lines had been constructed and put in operation fully equipped for business within the time heretofore limited by law for the same, except as modified and changed by the provisions of this act.

SEC. 2. The foregoing extension of time is hereby granted to said railroad company only upon the conditions following, that is to say :

First.—That the branch line from Sauk Rapids to Brainerd shall be by said company completely finished, equipped and in operation through its whole length on or before the first day of December, A. D. eighteen hundred and seventy-four.

Second.—That the branch line from St. Cloud to St. Vincent shall be constructed and operated "via" Sauk Centre, Osakis, Alexandria and Fergus Falls, as follows: From Melrose in Stearns county, to Alexandria in Douglas county, on or before the first day of December, A. D. eighteen hundred and seventy-four; from Alexandria to Fergus Falls, in Otter Tail county, on or before the first day of July, A. D. eighteen hundred and seventy-five, and from Fergus Falls via Glyndon and Crookston, to Saint Vincent, on or before the first day of December, A. D. eighteen hundred and seventy-five.

Third.—That all persons or their assigns or legal representations [representatives,] who in good faith settled upon any of the lands granted to said company for the construction of said branch lines of road, at or prior to the first day of January, A. D. eighteen hundred and seventy-two, and who have continued to occupy the same, shall be allowed to perfect their title thereto upon application to said company after it has acquired title thereto, upon the terms and conditions imposed by the laws of the United States as to fees, price and proofs, had not said grant been made to said company; *Provided*, That application therefor shall be made to said company within six months after the fee of said land shall be acquired by said company, *And provided also*, That said applicant shall within the time fixed by law and by proper proof, and the payment to the company of the fees or price for land as provided by law in case of settlers upon the public lands of the United States, establish his claim and right thereto.

Fourth.—The said railroad company and its successors or assigns shall transport passengers and freights over its lines constructed under the provisions of this act as also upon the lines and branch lines now constructed at such just and reasonable rates as the legislature of Minnesota may from time to time prescribe.

Fifth.—No lands shall be deeded to said company by the governor of this state, until the sections of said lines between Melrose and Fergus Falls and Sauk Rapids and Brainerd are both fully completed and in operation as herein set forth.

Sixth.—In case of failure on part of said company to construct, equip and put in operation said extension lines as is herein expressly provided, all parts remaining unfinished with the grants of

lands pertaining thereto and all the rights, privileges, franchises, immunities, lands and property attaching to said uncompleted parts by reason of any law of this state or of the United States or by reason of any act or deed of said company shall be absolutely forfeited to the state without any other act or ceremony whatever and shall not thereafter enure in any way to the Saint Paul and Pacific railroad company but shall be forfeited to the state of Minnesota for further disposition as is hereinafter provided.

Eighth. [Ninth.]—The said company shall within four months after the approval of this act accept all the terms and conditions thereof by a resolution of its board of directors or of the receiver of said company; a copy of which resolution duly authenticated shall be sent to the governor of this state to be by him filed in the office of the secretary of state.

SEC. 8. All acts and parts of acts relating to the lines of railroad hereinbefore specified which in any manner conflict with the provisions of this act are hereby repealed. But this act shall not be construed as repealing or in anywise modifying the act entitled an act to secure the payment of certain debts contracted in the construction of certain lines of road of the Saint Paul and Pacific railroad company, "approved February twenty-first, A. D. eighteen hundred and seventy-four."

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER CVII.

AN ACT TO AMEND CHAPTER LXXXVI, OF THE SPECIAL LAWS OF EIGHTEEN HUNDRED AND SIXTY-FOUR, ENTITLED AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE BALDWIN SCHOOL IN THE CITY OF SAINT PAUL, APPROVED FEBRUARY TWENTY-SIXTH, EIGHTEEN HUNDRED AND FIFTY-THREE, AND ALSO TO AUTHORIZE THE BOARD OF TRUSTEES OF THE COLLEGE OF SAINT PAUL TO TRANSFER AND CONVEY ITS PROPERTY AND FRANCHISES TO THE SAME, APPROVED MARCH THIRD, EIGHTEEN HUNDRED AND SIXTY-FOUR.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the said institution shall be known as Macalister College, and the corporate name of said corporation shall hereafter be The Trustees of Macalister College.

SEC. 2. That hereafter the trustees of said corporation shall be fifteen in number and shall consist of the following named persons, George L. Becker, Henry J. Horn, Henry M. Knox, Henry L. Moss, Alexander Ramsey, Edmund Rice, H. Knox Taylor, of the city of St. Paul, and W. C. Baker, Levi Butler, Richard Chute, W. W. McNair, J. S. Pillsbury, C. E. Vanderburg, J. C. Witney and Eugene M. Wilson, of the city of Minneapolis. Said trustees shall be divided into three equal classes, arranged in the alphabetical order of their surnames. The first class shall hold office until the next annual meeting of said trustees in the year eighteen hundred and seventy-four. The second class [shall] hold office until the next annual meeting of said trustees in the year eighteen hundred and seventy-five, and the third shall hold office until the next annual meeting of said trustees in the year eighteen hundred and seventy-six. At such annual meetings trustees shall be elected to fill the places of the trustees whose term of office shall then expire, and the said trustees hereafter elected as aforesaid shall hold their office for three years, vacancies occurring prior to the expiration of the term of office shall be filled for the unexpired term. Each trustee shall hold office during his term and until his successor is elected. That the president of said college shall be ex-officio a member of the said board of trustees, and be entitled to a vote and have all the powers of and as a trustee aforesaid.

SEC. 3. The preparatory department of said Macalister College shall be known as the Baldwin School.

SEC. 4. This act may be accepted by said corporation by a resolution or vote of the present board of directors of said corporation at any special or regular meeting thereof.

SEC. 5. So much of any act as may be inconsistent with this act is hereby repealed.

Approved March 5, 1874.

CHAPTER CVIII.

AN ACT TO ORGANIZE CERTAIN TERRITORY IN THE COUNTY OF CARVER, INTO AN INDEPENDENT SCHOOL DISTRICT.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the territory constituting the town of Chaska, in the county of Carver, be and the same is hereby created into an independent school district, and shall hereafter constitute one school district and body corporate, by the name of Chaska independent school district, said district shall be governed in all respects and for all purposes by the general laws of this state relating to independent school districts; *Provided*, That the trustees of school district number five in the said county of Carver, as now constituted, shall continue in office and perform all of the duties imposed by law upon the officers of independent school districts, and possess all power and authority conferred by law upon the officers of such independent school district until the next annual election to be held on the third day of October, A. D. eighteen hundred and seventy-four, when a full board of directors shall be elected as provided by law. The present director of said school district number five, shall be known as president, the treasurer thereof as treasurer, and the clerk thereof as clerk of the board of education of said independent school district, and together the president, clerk and treasurer aforesaid shall constitute such board of education, until the said next annual election of school officers.

SEC. 2. For the purpose of purchasing grounds and erecting necessary school buildings for said district, the board of education may issue bonds of said district to an amount not exceeding the sum of six thousand dollars to bear interest at a rate not exceeding eight per cent. per annum, payable within twenty years from the date of such bonds; *Provided*, That when the said board of education shall determine the amount of bonds it is necessary to issue for the purpose specified, the said board shall submit the question of issuing such bonds to a vote of the electors of said district by giving ten days notice thereof in a newspaper printed and published in said district, such notice to specify the amount of bonds proposed to be issued, and the place, day and hour at which the vote will be taken, the manner of taking the vote to be the same as the annual district election. If a majority of those voting at such meeting shall be in favor of issuing the proposed amount of bonds, then the said board shall be authorized to issue the same in such sums, and payable at such times within twenty years from their date as they may think best. No bonds issued under the provisions of this act shall be sold or negotiated for less than their par value, by said board of education; nor shall the said bonds or the proceeds thereof be used or appropriated for any purpose whatever other than the erection, completion and furnishing of a school house in and for said school district, said board of education or their successors are authorized,

and it is hereby made their duty, on or before the first day of September of the year preceeding the time when the bonds or the interest thereon first due, shall become payable, and each and every year thereafter, until the payment of said bonds and interest is fully provided for, to make an estimate of the amount which shall become due and payable during the next succeeding year, and shall include therein an additional amount equal to twenty per cent. thereof, and shall levy or cause the same to be done, a tax sufficient to raise the said sum upon the taxable property of said district, which taxes shall be payable in money only, and shall constitute a fund for the payment of said bonds and the interest thereon.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER CIX.

AN ACT TO REDUCE THE LAW RELATIVE TO FREE SCHOOLS IN THE CITY OF SAINT PAUL INTO ONE ACT, AND TO AMEND THE SAME.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the city of Saint Paul shall be considered as one school district, and all schools organized therein in pursuance of this act, shall, under the direction and regulation of the board of education as hereinafter established be public and free to children residing within the limits thereof, between the ages of five and twenty-one years inclusive, subject to such rules and limitations as the said board may establish.

SEC. 2. There shall be elected in said city three school inspectors in each ward in the manner following: At each annual election hereafter in the city of Saint Paul for city officers there shall at the same time be elected in each ward of said city one school inspector who shall hold his office for the term of three years. *Provided*, That whenever the wards in said city shall be increased in number there shall be elected at such annual election in said city thereafter in each new or additional ward aforesaid three school inspectors one of whom shall hold his office for one year, one for two years and one for three years and thereafter there shall be elected

in such new or additional ward at each of such annual elections one school inspector who shall hold his office for three years; *And provided*, That at any annual election aforesaid vacancies may be filled for the unexpired term as in this act provided. No school inspector shall be entitled to receive any compensation for his services.

Sec. 3. Each school inspector must be a resident of the ward for which he shall have been elected, and non-residence of any school inspector in the ward for which such school inspector has been heretofore or may be hereafter elected, shall vacate his office and disqualify him from acting. In case of a vacancy in the office of school inspector by non-residence in, or removal from the ward for which he has been or may be elected, or from any other cause, a suitable person shall be elected by the electors of the proper ward for the unexpired term of such school inspector whose office has become vacant, at the next annual election after such vacancy; or in case sufficient time shall not intervene to give the required notice of such election, then at the next annual election succeeding the next annual election aforesaid; and until such person is elected and qualified the board of education shall fill the said vacancy by appointment, and shall also fill all other vacancies not herein otherwise provided for. *Provided*, That in all cases of elections of school inspectors by the people, the city clerk of the city of Saint Paul shall give notice of such election as in the case of elective officers of said city. Every school inspector (unless otherwise provided for) shall hold office during his term of office as herein prescribed, and until his successor is elected and qualified, and the term of office of each school inspector hereafter elected shall commence on the first day of January next succeeding his election. The territorial limits of said board of education shall be co-extensive with the limits of the city of Saint Paul as now existing, or as the same may be hereafter enlarged or altered, and in all cases where by such enlargement or change in the said city limits, any other school district, or a part thereof, may be included in the territorial limits of said board of education, the organization of such other school district, or part of the same, may be continued by the said board of education in its discretion and under its supervision, and for such time and under such regulations as said board of education may prescribe, and said board of education may appropriate in such case to the use of such organization so continued by said board the part of the school fund, and of the fund raised by taxation for school purposes, which would accrue to said board of education by reason of the accession of territory occupied in whole or in part by such other school district; or make such suitable provision for the same out of the funds under the control of said board of education as said board may deem expedient.

SEC. 4. Every person who shall hereafter be elected to fill the office of school inspector of said city shall before he enters upon the duties of his office take and subscribe an oath to the effect that he will support the constitution of the United States and of the state of Minnesota, and faithfully discharge the duties of his office, and in case any person so elected to said office shall omit to take and subscribe such oath for the period of ten days after the commencement of his term of office the said board may declare his office vacant; the said board shall have power to provide by any by-law or ordinance for the imposition of fines and penalties upon its members for absence from any meeting without leave, or any violation of the rules or regulations of said board, not exceeding five dollars in any one case, and said fines and penalties may be recovered for the use of said board in the name of said board in a civil action before any justice of the peace or other competent court.

SEC. 5. The school inspectors aforesaid shall constitute and be a corporation as heretofore existing and hereby continued by the name of "the board of education of the city of Saint Paul," and in that name shall be capable of suing and being sued, contracting and being contracted with, and holding, buying or selling and conveying real and personal property, as the interest of said common schools may require, and as said board may deem expedient, and may adopt a seal and shall have charge of the common schools and educational interests of the state within the limits of said city of Saint Paul.

SEC. 6. The board of education a majority of the members of which shall form a quorum, may meet from time to time at the city hall of said city, or at such place in said city as they may designate.

SEC. 7. The board of education shall have full power and authority, and it shall be their duty to purchase, lease or erect such school houses as may be necessary, to keep the same in repair, and provide for the payment of such buildings or repairs, and apply for and receive from the county treasurer or other officers, all moneys appropriated for the common schools and district library of said city, and designate a place where the library may be kept therein; the said board shall also have full power and authority to make by-laws and ordinances relative to making all necessary reports, and transmitting the same to the proper officers, as designated by law, so that said city may be entitled to its proportion of the common school fund, relative to the employment and examination of teachers, their powers and duties, relative to visitations of schools, relative to the length of time schools are to be kept, which shall not be less than three months in each year, relative to the regulations of school and the books to be used therein, relative to the appointment of necessary officers and prescribe the powers and duties, relative to anything whatever that may advance

the interests of education, the good government and prosperity of the common schools in said city, and the welfare of the public concerning the same.

SEC. 8. The city justice of the city of Saint Paul shall have jurisdiction of all suits wherein said board may be a party, and the amount in controversy does not exceed one hundred dollars, and of all prosecutions for violation of said by-laws and ordinances.

SEC. 9. The board shall annually publish in the official newspaper of the city, a statement of the number of schools in said city, the number of pupils instructed therein the year preceding, the several branches of education pursued in them, and the expenditures for all things authorized by this act during the preceding year.

SEC. 10. The board of education shall also, whenever in their judgment additional means may be necessary for the support of free schools in the city of Saint Paul, or for the erection of school houses therein, or for the purpose of paying the interest on any bonds now or hereafter issued by said board of education, on or before the 1st day of June of each year, present to the common council of the city a statement of the amount of money, beyond that in their treasury, needed for such purposes; and said common council shall levy a tax sufficient for such purposes, on all real and personal property within said city, according to the city assessment roll, which shall be collected in the same manner as the moneys to defray the general expenses of said city, and when collected shall be subject to the order of the said board of education. *Provided*, That the levy of such tax shall in no one year exceed ten mills on the dollar of the property on said assessment roll.

SEC. 11. The board of education, immediately after their organization each year, shall proceed to elect from their number a president, secretary and treasurer of the board. The treasurer shall give bonds, with sufficient sureties, to the acceptance of the board, in an amount to be fixed by the said board. It shall be the duty of the secretary to keep a true record of the proceedings of the said board, to see that the enumeration of scholars required by the general laws of the state is properly taken and duly returned, and to perform such other duties as said board may require of him by its by-laws, ordinances or otherwise, and he shall be entitled to receive a salary for his services of not less than five hundred dollars per annum. The said president shall be the president of the said corporation, and shall preside at all the meetings of said board. Such president may be elected as soon after this act shall take effect as said board may deem expedient, and shall in such case hold his office until his successor shall be elected as hereinbefore provided. In case of the absence of the president a majority of the inspectors present at any meeting may select one of their number president

pro tempore, who shall act as president aforesaid, during such absence of the president. The said board shall have the power to appoint a superintendent or such other officer or officers as said board may deem expedient and to fix the term of office of such officers, and their compensation, if any, and also to abolish any office created by said board aforesaid; *Provided*, That the term of any such officer filling an office created by the board as aforesaid, shall not continue longer than one year and until his successor shall be appointed and qualified.

SEC. 12. All school moneys collected by any collector or other officer of the city of St. Paul, or the county treasurer or any officer of the county of Ramsey, shall be paid by such collector or officer to the treasurer of the said board, who shall give him a receipt therefor, signed by himself and the secretary.

SEC. 13. All parts of acts, so far as they relate to the city of Saint Paul, inconsistent with this act, are hereby repealed, and the general laws of the state so far as the same require the election of district school trustees, shall not apply to the said city of Saint Paul. But no such repeal shall supercede any inspector heretofore elected, resident of the ward for which he has been elected, or other officers of said board heretofore appointed, or affect any contracts, bonds, action, proceedings, made, issued or had by the said board.

SEC. 15. No school inspector shall directly or indirectly be a party to, or interested or concerned in any contract or job with the said board of education, or in any work, merchandise, or supplies, done or furnished for the use of said board of education, or of the common schools of the city of Saint Paul, and any contract or transaction prohibited as aforesaid shall be void, and all moneys which may be paid thereon by said board may be received [recovered] back, and the office of any such school inspector so offending shall become thereby vacant. The said board of education shall be the judges of the qualifications of its members, and shall have power under such regulations as they may adopt, to declare the seat of any school inspector vacant for a violation of any of the provisions of this section, or in case of non-residence of any school inspector in the ward for which he was elected, or for other sufficient cause. All such vacancies shall be filled as hereinbefore provided.

SEC. 15. This act shall take effect from and after its passage.

Approved February 25, 1874.

CHAPTER CX.

AN ACT TO LEGALIZE CERTAIN ASSESSMENTS OF TAXES HERETOFORE LEVIED IN SCHOOL DISTRICT NUMBER ONE, IN THE COUNTY OF LYON.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. No levy or assessment of taxes for school or building purposes heretofore made in and for school district number one, in the county of Lyon, shall be deemed or taken to be invalid because the same have been levied or assessed at rates per cent. higher than allowed by law, nor because the same have been greater than the amount allowed by law, and all such taxes are hereby declared to be lawful and valid taxes and assessments, notwithstanding the same may have been levied in amounts or at rates per cent. in excess of those allowed by law.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER CXI.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO CONSTITUTE SCHOOL DISTRICTS NUMBER ONE AND EIGHTY-FOUR, OF BLUE EARTH COUNTY, A SCHOOL DISTRICT AND A BODY CORPORATE BY THE NAME OF "MANKATO SCHOOL DISTRICT," APPROVED FEB. NINETEENTH, EIGHTEEN HUNDRED AND SIXTY-EIGHT.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. Section one of the act to constitute school districts number one and eighty four of Blue Earth county, a school district and body corporate by the name of "Mankato School District," be amended so as to read as follows :

Section 1. That the territory now embraced in school districts

number one and eighty-four of Blue Earth county and the west half of the west half of section nineteen in township numbered one hundred and eight north, of range number twenty-six west, shall constitute one school district and body corporate by the name of Mankato school district, which shall have a corporate seal.

SEC. 2. This act shall take effect from and after its passage.

Approved February 28, 1874.

CHAPTER CXII.

AN ACT TO ATTACH CERTAIN TERRITORY TO THE INDEPENDENT SCHOOL DISTRICT OF THE TOWN OF LE SUEUR IN THE COUNTY OF LE SUEUR.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the west half of the northwest quarter of section twelve in town one hundred and eleven north, of range twenty-five west, is hereby detached from school district number four in LeSueur county and attached to and made a part of the independent school district of the town of LeSueur in said county.

SEC. 2. This act shall take effect and be in force from and after its passage and approval.

Approved March 9, 1874.

CHAPTER CXIII.

AN ACT TO AMEND "AN ACT FOR THE ESTABLISHMENT AND BETTER REGULATION OF THE COMMON SCHOOLS IN THE VILLAGE OF NORTHFIELD, THE SAME BEING DESIGNATED AS DISTRICT NO. THREE, IN RICE COUNTY, APPROVED MARCH THIRD, EIGHTEEN HUNDRED AND SIXTY-FOUR."

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section No. five of said act shall be amended by adding the following, to-wit: "Also to sell or exchange any of the real or personal property of said district, on a majority vote of the legal voters present and voting at any regular or special meeting of said district.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 11, 1874.

CHAPTER CXIV.

AN ACT TO INCORPORATE A SCHOOL DISTRICT OUT OF CERTAIN TERRITORY LYING IN THE COUNTIES OF HOUSTON AND WINONA, IN THE STATE OF MINNESOTA.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the south half of sections thirty-one and thirty-two, in township one hundred and five north, of range seven west, in Winona county, and also sections five, six, seven, eight, the west half of nine, the northwest quarter and the northwest quarter of the southwest quarter of section four, all in township one hundred and four north, of range seven west, in Houston county, be and the same hereby is set off, established and incorporated into a special school district, under the common name and style of "Oak Ridge School District," and as such corporation, under the name and style aforesaid, shall forever have and enjoy all the powers, rights and privileges, and be subject to all the duties, of any school district corporation organized under the general laws of the state.

SEC. 2. Said Oak Ridge school district, for all school purposes, shall be a school district corporation of Winona county, and all taxes hereafter levied for school purposes within said district shall be payable to and collected by the treasurer of said Winona county; and all public money that shall be hereafter appropriated to, or shall become due and payable to said Oak Ridge school district, shall be paid over to the treasurer of said Winona county for the use of said school district.

SEC. 3. The legal voters residing within said Oak Ridge school

district, within sixty days after the passage of this act, shall meet at the house of Philip Mohan, in said district, and elect a director, treasurer and clerk, of said district; and said clerk shall forthwith report said election to the proper officers of said Winona county. *Provided*, A notice of the time and place of said meeting, signed by any five of the legal voters aforesaid, shall be given in the manner prescribed by law.

SEC. 4. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved February 9, 1874.

CHAPTER CXV.

AN ACT TO AMEND AN ACT ENTITLED AN ACT FOR THE SUPPORT AND BETTER REGULATION OF COMMON SCHOOLS OF THE TOWN OF SAUK CENTER, AS AMENDED BY CHAPTER LVIII, OF THE SPECIAL LAWS OF EIGHTEEN HUNDRED AND SEVENTY-THREE.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section one of chapter ninety-two of the special laws of the year A. D. eighteen hundred and sixty-nine, as amended by chapter LVIII, of the special laws of eighteen hundred and seventy-three, be amended so as to read as follows:

Section 1. That all that part of the town of Sauk Center, in the county of Stearns, hereinafter described, to-wit: The southwest quarter of the northeast quarter, the west half of the southeast quarter of the southwest quarter, and lots No. two (2), three (3) and four (4) of section number three, and all of section No. four, the east half of section number five, and the north half of the northeast quarter, and the southeast quarter of the northeast quarter, and the east half of the southeast quarter of section eight; all of section nine; the northwest quarter, and the southwest quarter, and the west half of the northeast quarter, and the west half of the southeast quarter of section ten; the northwest quarter of section fifteen; the north half of section sixteen, and the northeast quarter of section seventeen, all in township No. one hundred and

twenty-six north, of range No. thirty-four west of the fifth principal meridian, shall, from and after the last Saturday in March, eighteen hundred and sixty-nine, constitute in law one separate and independent school district.

SEC. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER CXVI.

AN ACT TO LEGALIZE THE DIVISION OF PINE COUNTY INTO THREE COMMISSIONER DISTRICTS AND FOUR TOWNS.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the county commissioners of Pine county be and the same are hereby authorized to divide said county into commissioner district[s], as per unfinished resolution, entered upon record of county commissioners under date of October fourth, A. D. hundred and seventy-one; also, [the] county commissioners of said county are hereby authorized to divide the county of Pine into the following towns, to-wit: All of the territory embraced in

Towns 44 and 45, range 21,

Towns 44 and 45, range 20,

Towns 44 and 45, range 19,

Towns 44 and 45, range 18,

Towns 44 and 45, range 17,

Towns 44 and 45, range 16,

To be called and named the town of Kettle River.

Towns 41, 42 and 43, range 21,

Towns 41, 42 and 43, range 20,

Towns 41, 42 and 43, range 19,

Towns 41, 42 and 43, range 18,

Towns 41, 42 and 43, range 17,

Towns 41, 42 and 43, range 16,

To be called and named the town of Hinckley.

Towns 39 and 40, range 20,

government lines on or adjacent thereto, and may also designate in said certificate the actual width of all streets and alleys and all lots and blocks embraced in said plat, and such other facts as may by law be deemed essential to a full and clear description of the location of the said village.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 28, 1874.

CHAPTER CXX.

AN ACT TO LEGALIZE THE INCORPORATION OF THE VILLAGE OF WORTHINGTON, AND TO LEGALIZE THE ACTS OF OFFICERS ELECTED IN SAID VILLAGE.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the act approved March eighth, eighteen hundred and seventy-three, incorporating the village of Worthington, in the county of Nobles, is hereby declared to be legally adopted by the legal voters of the said village, and said village is hereby declared to be legally incorporated, and the election of said village officers by virtue of said act of incorporation on the sixteenth day of April, eighteen hundred and seventy-three, is and the official acts of the officers chosen at said election are hereby legalized.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 17, 1874.

CHAPTER CXXI.

AN ACT TO LEGALIZE THE ELECTION OF TOWN OFFICERS IN THE TOWNSHIP OF SWAN RIVER, IN THE COUNTY OF MORRISON, MINNESOTA.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the organization and election in the township of Swan River, in Morrison county, Minnesota, held on the thirty-first day of January, eighteen hundred and seventy-four, be and the same is hereby legalized, and the town officers of said town elected on said day, are hereby declared to be legally elected.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER CXXII.

AN ACT TO LEGALIZE THE ACTS OF THE COMMISSIONERS, ACTING UNDER AND IN PURSUANCE OF CHAPTER ONE HUNDRED AND FORTY-TWO OF THE SPECIAL LAWS OF THE YEAR A. D. EIGHTEEN HUNDRED AND SEVENTY-THREE.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the acts and proceedings of J. C. Ellison, John McCurdy and A. Webster as commissioners in laying out and establishing a state road from St. Peter, in the county of Nicollet, to New Auburn, in the county of Sibley, under and in pursuance of chapter one hundred and forty-two, of the special laws of the year A. D. eighteen hundred and seventy-three, be and the same hereby are declared to be for all purposes whatsoever legal and valid, and the said road also to be legally established.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER CXXIII.

AN ACT TO AUTHORIZE THE CLERK OF THE DISTRICT COURT OF DAKOTA COUNTY, IN THE FIRST JUDICIAL DISTRICT, TO TRANSCRIBE CERTAIN RECORDS IN HIS OFFICE.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. The clerk of the district court in and for the county of Dakota, first judicial district, is hereby authorized whenever authorized so to do by the board of county commissioners, to procure such books and index books at the expense of the county of Dakota, as may be necessary, and transcribe therein all judgments entered and docketed in lien docket number 2 (two) in his said, office except those judgments that are marked discharged or otherwise satisfied on said lien docket number 2, and that said transcript of docket so made shall be legalized and be of the same force and like effect as the originals themselves.

SEC. 2. The clerk of the district court of said county shall be allowed for such services one half the fees allowed him by law for making the original docket entries of judgments by the provisions of chapter seventy (70), page five hundred and two (502), statutes of eighteen hundred and sixty-six, regulating fees of clerks of district courts.

SEC. 3. All services authorized to be paid by this act shall be paid out of the county treasury of Dakota county.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER CXXIV.

AN ACT TO AUTHORIZE THE REGISTER OF DEEDS OF STEVENS COUNTY TO TRANSCRIBE RECORDS FROM POPE COUNTY.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. The register of deeds of Stevens county is hereby authorized and required to transcribe at the expense of said county all deeds of land and mortgages embraced in said county, and now on record in the office of the register of deeds in and for Pope county, and such transcribed records shall have the same validity as original records of other counties in the state.

SEC. 2. Said register of deeds shall be allowed as a compensation for so transcribing said records, the sum of three dollars per day for the time necessarily employed therein, and the further sum of ten cents per mile for the distance necessarily traveled.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER CXXV.

AN ACT TO AUTHORIZE THE REGISTER OF DEEDS OF WILKIN COUNTY TO TRANSCRIBE RECORDS FROM STEARNS, DOUGLAS AND OTTER TAIL COUNTIES.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The register of deeds of Wilkin county is hereby authorized and required to transcribe, at the expense of said Wilkin county, all deeds of land embraced in said county of Wilkin and now on record in the office of the register of deeds in and for the counties of Stearns, Douglas and Otter Tail, and such transcribed records shall have the same validity as original records of other counties in the state.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER CXXVI.

AN ACT TO AUTHORIZE THE REGISTER OF DEEDS OF DODGE COUNTY, MINNESOTA, TO CORRECT THE RECORD OF THE VILLAGE PLAT OF CONCORD, IN SAID COUNTY.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The register of deeds of the county of Dodge is hereby authorized to correct the record of the plat of the village of Concord, by adding thereto the number of the blocks as follows: Commencing at the northeast corner of said plat, and numbering in the same manner as sections in a congressional township is numbered. *Provided*, That all outlots numbered and blocks designated by "letter," and provided also that the blocks designated as stone quarry and public park, shall not be so numbered.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER CXXVII.

AN ACT TO AUTHORIZE FONDYSE S. RICHARDS TO KEEP AND MAINTAIN A FERRY ON THE MISSISSIPPI RIVER.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Fordyce S. Richards, his heirs, executors, administrators or assigns are hereby granted for the period of ten years next ensuing, the exclusive right and privilege of keeping and maintaining a ferry across the Mississippi River, in the county of Wabasha, in this state, between the foot of Lake Pepin and a point on the river where the dividing line between fractional sections twenty-three and twenty-four, town one hundred and eleven north, of range eleven west, terminates on the river, being nearly opposite of the mouth of Chippewa river.

SEC. 2. Said Fordyce S. Richards, his assigns or legal representatives shall at all times keep for the use of said ferry good boats sufficient for the accommodation of all persons wishing conveyance across the river at said ferry, and shall give prompt attention and conveyance to passengers and teams at all hours, when passage at said ferry shall be desired, but persons crossing at said ferry, or having freight of any description conveyed across between the hours of nine o'clock P. M. and five o'clock A. M. may be charged double the rates hereinafter prescribed.

SEC. 3. Except in cases specified in section two of this act the rates of ferryage across said river, shall not exceed the following, to-wit: For each foot passenger, fifteen cents; for a double team, with or without load, seventy-five cents; for each single team, fifty cents; for one man and a horse or mule, thirty-five cents; for every additional horse, mule, ox, or cow, or head of neat cattle, of ten or less, twenty cents each; for every head more than ten in number belonging to the same lot or owner, fifteen cents each; for every sheep or swine, five cents each when in lots of less than ten; when the number belonging to the same lot or owner exceeds ten, four cents each; for each barrel of freight, ten cents; for each hundred pounds of freight, five cents; for each thousand feet of lumber, fifty cents.

SEC. 4. The said Fordyce S. Richards shall, within six months after the passage of this act, file or cause to be filed with the auditor of the county of Wabasha his bond executed to said county in the penal sum of one thousand dollars with one or more sufficient sureties to be approved by the board of county commissioners, conditioned that he will faithfully fulfill all the duties required of him by this act, and in case of his failure so to do, he shall forfeit all the rights and privileges secured to him by the passage of this act.

SEC. 5. That said Fordyce S. Richards is hereby made liable for all losses and damage any person may sustain in consequence of his neglect or refusal to comply with the requirements of this act, and any person who shall sustain such loss or damage in consequence of the neglect or default of said Fordyce S. Richards or any ferryman in his employ is entitled to sustain an action at law on such bond required by this act.

SEC. 6. The legislature shall have power to alter, amend or repeal this act at any future session.

SEC. 7. This act shall take effect and be in force from and after the 31st day of March, A. D. 1874.

Approved February 28, 1874.

CHAPTER CXXVIII.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF SAINT LOUIS COUNTY, AND THE CITY COUNCIL OF DULUTH, TO MAKE CERTAIN ABATEMENTS OF TAXES.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The board of county commissioners of said Saint Louis county are hereby authorized to make such an abatement of taxes assessed against real property in the said county, for the year eighteen hundred and seventy-three, for state purposes, as shall more nearly equalize the same with other counties in this state. *Provided*, That the said taxes for state purposes in said Saint Louis county shall not be reduced below the sum of two thousand three hundred and twenty-five dollars. *And provided further*, That in case the tax for eighteen hundred and seventy-three has been paid by any person, the county treasurer shall refund to such tax-payer his proportion of such abatement.

SEC. 2. The board of county commissioners of said Saint Louis county, and the city council of the city of Duluth, are hereby authorized to make such abatement in the taxes for county and city purposes for the year eighteen hundred and seventy-three as they may deem advisable.

SEC. 3. The auditor of state shall, on notice from the auditor of said Saint Louis county, credit said county of Saint Louis with the amount of such abatement as shall be made under this act.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 28, 1874.

CHAPTER CXXIX.

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GOODHUE, TO SURVEY, LOCATE, LAY OUT AND OPEN PUBLIC HIGHWAYS IN SAID COUNTY.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the board of county commissioners of the county of Goodhue, be and they hereby are authorized and empowered to survey, locate, lay out and open for public use and travel, any and all roads, highways and traveled routes in said county, and also to name or number such highways therein as they may see fit as hereinafter provided.

SEC. 2. Whenever any or either of the county commissioners of said county shall make and file in the office of the county auditor for said county a petition in writing, praying for the survey, location or laying out of any highway therein, stating the point of beginning and the general course thereof, and the place at or near which the same shall terminate, and the names of the owners of the lands over which the same will pass if known to the petitioner or petitioners, the said board of county commissioners shall appoint a committee not exceeding three in numbers, and consisting of members of said board, to whom said petition shall be referred.

SEC. 3. That said committee as soon as practicable after their appointment as aforesaid, shall examine such proposed route, and cause a survey thereof to be made if necessary, and shall also fix upon a time and place when and where they will meet for the purpose of hearing any reasons that may be offered for or against granting the prayer of such petition, and also to ascertain the amount of damages that any person or persons may sustain by reason of the granting of the same.

SEC. 4. That said committee shall give notice to all persons interested, of the time and place of meeting as aforesaid by posting up in three of the most public places in the town in which such proposed highway is situate, or in case that the same shall pass through more than one town, then in each of the several towns through which the same may pass, written notices of the time and place of such meeting, which said notices shall be so posted up as aforesaid, at least twenty days previous to the day appointed for such meeting.

SEC. 5. That said committee shall meet at the time and place in said notices designated, and hear any reasons that may be offered for or against the granting of the prayer of said petition, and also ascertain the amount of damages, if any, that may be sustained by any person or persons, by reason of the granting thereof, and such committee may continue such meeting from day to day, until the object for which the same was appointed is fully consummated.

SEC. 6. After such committee shall complete their examination and inquiry as aforesaid, they shall make a report in writing of their proceedings therein to the said board of county commissioners, at their next session thereafter, which said report shall contain a

general description of the highway as surveyed or located as aforesaid, and a statement of the amount of damages, if any, sustained by any person or persons by reason of the location of the same as stated in said survey, and recommending therein, according to the opinion of a majority of such committee either that the prayer of such petition be granted or rejected, and that damages be awarded to the persons and in the amounts stated in said report.

SEC. 7. The said board of county commissioners shall upon the presentation of said report as aforesaid determine from the face thereof whether or not the prayer of said petition should be granted, and shall also award to any persons entitled thereto, such damages after deducting the benefits arising from such highway, as they may actually sustain by reason of the granting thereof. And if the prayer of such petition be granted the said board shall make an order in writing, describing such highway as surveyed, located and laid out as aforesaid, and ordering and declaring the same to be a public highway, and the same from the date of such order shall for all purpose be taken and deemed to be a public highway, and the public shall be entitled to the use of same for that purpose. That there shall be attached to or incorporated in said order a plat of said highway as surveyed, located or laid out which said plat shall be deemed a part of said order.

SEC. 8. Any person feeling himself aggrieved by any award of damages made by said county commissioners as aforesaid, may appeal therefrom to the district court for said county of Goodhue, upon complying with the following requisites within twenty days after the date of the order mentioned in the last section, viz.: Such person shall within the time aforesaid serve upon the chairman of the board of county commissioners a notice of appeal, particularly specifying the grounds of such appeal, and shall also make and file with the auditor of said county a bond to the said county commissioners in an amount and with sureties to be approved by said auditor, conditioned that he will prosecute such appeal with effect in said district court and pay all costs that may be adjudged against him therein, and abide the order of the court therein, and shall file with said auditor a copy of such notice of appeal, with proof of service thereof as aforesaid. Upon complying with the provisions aforesaid, such appeal shall be deemed complete, and said auditor shall thereupon transmit to the said district court a certified copy of the award of damages to said appellant and said copy of said notice of appeal, and the district court shall thereupon become possessed of said appeal, and shall try and determine the same in like manner as appeals from justice courts are tried and determined therein; *Provided*, That such appellant shall at least eight days before the first day of the next general term of said district court, after said appeal

is taken, serve upon the county attorney for said county a notice of the trial thereof, in like manner as notices of trial are served in cases originally commenced in the district court. That any judgment entered on such appeal shall be of the same force and effect as judgments rendered in actions originally commenced in the said district court.

SEC. 9. That a copy of such judgment rendered upon such appeal, properly certified by the clerk of said district court, shall be filed with the said auditor, and shall become a part of the records of said office.

SEC. 10. That the petition, resolution, order or minutes of appointment of said committee, report of committee, field notes, plat, awards of damages, copy of judgments of the district court, and other papers pertaining to such highway, shall be securely attached together and shall remain on file in said auditors office, and shall become and be a part of the records of said office and shall be received in evidence in all the courts of said state as conclusive evidence of the facts therein stated.

SEC. 11. That all laws inconsistent with the provisions of this act are hereby repealed; *Provided*, That nothing hereinbefore contained shall be so construed as to deprive the town supervisors of the several towns of said county of the supervision and care of roads, or of the right to alter or discontinue any roads, or lay out new roads, as now provided by the laws of said state, but such laws shall remain in full force and effect; *And provided further*, That nothing herein contained shall apply to any street in any incorporated city or village in said county.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved March 2, 1874.

CHAPTER CXXX.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF DAKOTA COUNTY TO HOLD EXTRA SESSIONS, AND PRESCRIBING THEIR DUTIES.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1: The board of county commissioners in and for the

county of Dakota shall meet at the county seat of said county for the purpose of transacting such business as may devolve upon, or be brought before them during the year eighteen hundred and seventy-four, and may hold extra sessions not to exceed in the aggregate fifteen days in said year; such extra session shall be called by a majority of the board, and the clerk shall give at least ten days' notice thereof to the commissioners. But no extra session shall continue longer than five days, and no commissioner shall be entitled to traveling fees for more than three extra sessions.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER CXXXI.

AN ACT TO AUTHORIZE THE CITY OF STILLWATER TO TRANSFER MONEY BELONGING TO THE CITY BUILDING BOND FUND TO THE CURRENT FUND.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. The city council of the city of Stillwater, in the state of Minnesota, are hereby authorized and empowered to transfer all of the unexpended funds belonging to the city building bond fund to the current fund of the city.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 7, 1874.

CHAPTER CXXXII.

AN ACT TO AUTHORIZE THE SAUK RAPIDS WATER POWER COMPANY TO BORROW MONEY AND TO MORTGAGE ITS PROPERTY AND FRANCHISES.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The Sauk Rapids Water Power Company may, by authority of its board of directors, borrow money, and may, by like authority, give promissory notes and bonds to secure the indebtedness of said company, whether heretofore or hereafter contracted; and may, by like authority, in order to secure the payment of such indebtedness, as well the indebtedness which has been heretofore contracted as that which may hereafter be contracted, create, execute and deliver mortgages, deeds of trust, or other liens upon all or any of its property, and upon all the corporate and other franchises, rights and privileges of said company.

SEC. 2. Such mortgages, deeds of trust or other instruments as shall be authorized by the board of directors, may be executed in behalf of said company by the president and secretary thereof, by subscribing their names to such mortgages, deeds of trust, or other instruments, and affixing thereto the seal of said company.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 7, 1874.

CHAPTER CXXXIII.

AN ACT TO AUTHORIZE THE JUDGE OF PROBATE OF FARIBAULT COUNTY TO COMMIT WM. ROSE TO THE HOSPITAL FOR THE INSANE OF THE STATE OF MINNESOTA.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the judge of probate of Faribault county be and he is hereby authorized and required, upon the written request of the parents or guardian of William Rose, of Blue Earth City, in Faribault county, to commit the said William Rose to the hospital for the insane of the state of Minnesota, and the superintendent of said hospital is hereby authorized and required to receive the said William Rose into said hospital, and keep him there in the same manner as destitute patients are kept, until he shall be considered a proper person to go at large.

SEC. 2. This act shall take effect and be in force from and after the passage.

Approved March 2, 1874.

CHAPTER CXXXIV.

AN ACT TO AUTHORIZE THE CITY COUNCIL OF THE CITY OF DULUTH TO ORGANIZE A FIRE DEPARTMENT AND ESTABLISH FIRE LIMITS.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the city council of the city of Duluth be and they are hereby authorized to provide by ordinance for the establishment of a fire department in said city and to prescribe fire limits, and that for the payment of the salaries of the engineers and other employees of said fire department the council may in their discretion set off and establish a separate fund.

SEC. 2. The ordinances of the said city council heretofore passed establishing fire limits in said city are hereby legalized.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 28, 1874.

CHAPTER CXXXV.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF HENNEPIN COUNTY TO APPROPRIATE MONEY FOR THE IMPROVEMENT OF NAVIGATION ON SIX MILE CREEK.

Be it enacted by the Legislature of the State Minnesota :

SECTION 1. The board of county commissioners of Hennepin county are hereby authorized and empowered to appropriate one thousand dollars out of any money in the county treasury not otherwise appropriated, for the purpose of streightening and widening Six Mile Creek, in the town of Minnetrista, from a point at or near a bridge known as six mile creek bridge to the mouth of said creek, so that it shall be navigable at low water stage for steamboats drawing three and one half feet of water.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER CXXXVI.

AN ACT TO AMEND AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF HENNEPIN COUNTY TO PROCURE AN OFFICE FOR THE USE OF THE PROBATE COURT OF SAID COUNTY, AND FOR THE SAFE KEEPING OF THE RECORDS OF THE SAID COUNTY.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section one of said act be amended by striking out all after the word "office" in the third line of said section.

SEC. 2. That section two of said act be amended by striking out all after the words "probate court," in next to last line of said section.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER CXXXVII.

AN ACT FIXING THE SALARIES TO BE PAID TO CERTAIN OFFICERS OF RAMSEY COUNTY THEREIN NAMED.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the clerk of the district court and court of common pleas, probate judge, sheriff, treasurer, auditor, register of deeds, and county attorney of Ramsey county, shall receive and be paid in monthly installments, out of the county treasury, upon the warrant[s] of the auditor of said county, severally as salary, the

maximum amounts named in chapter one hundred and ninety seven (197) of the special laws of eighteen hundred and seventy-two, entitled an act limiting the compensation of certain officers of Ramsey county therein named, and prescribing their duties, approved February twenty-ninth, eighteen hundred and seventy two, without regard to the amount of fees, costs, percentages, penalties, allowances, and all other perquisites collected and turned over by them respectively, as required by said chapter one hundred and ninety-seven (197).

SEC. 2. All deputies, clerks, bookkeepers, and other assistants employed by said officers respectively in accordance with law shall receive such salaries as may be fixed by the judges of the district court and court of common pleas of said county, according to law, which salary shall be paid to them and each of them upon the warrant of the county auditor in the same manner as the officers above named.

SEC. 3. That this act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER CXXXVIII.

AN ACT TO AMEND SECTIONS FIVE (5) AND ELEVEN OF CHAPTER ONE HUNDRED AND NINETY-SEVEN (197), OF THE SPECIAL LAWS OF EIGHTEEN HUNDRED AND SEVENTY-TWO (1872), APPROVED FEBRUARY TWENTY-NINE, EIGHTEEN HUNDRED AND SEVENTY-TWO, PRESCRIBING THE DUTIES OF OFFICERS THEREIN NAMED, IN RAMSEY COUNTY.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That section five (5) of chapter (197) one hundred and ninety-seven, of the special laws of eighteen hundred and seventy-two (1872) be amended by the striking out all of said section after the words " and provided further."

SEC. 2. That section eleven of same chapter one hundred and ninety-seven, be amended by striking out the words "for the first two years after this law goes into effect."

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER CXXXIX.

AN ACT TO AMEND SECTION ONE, CHAPTER ONE HUNDRED AND TWENTY, OF THE SPECIAL LAWS OF EIGHTEEN HUNDRED AND SIXTY-NINE, ENTITLED AN ACT AUTHORIZING THE SAINT PAUL WATER COMPANY TO RE-LOCATE ITS LINE AND EXTEND ITS WORKS, APPROVED FEBRUARY EIGHTH, EIGHTEEN HUNDRED AND SIXTY-NINE.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That section one of chapter one hundred and twenty of the special laws of eighteen hundred and sixty-nine be and hereby is amended as follows, viz. : By inserting in the fourth line after the word "connect" and before the word "with" the words "at any point," and also strike out all the words after the word "and" in the sixth line and before the word "and" in the seventh line and insert in lieu thereof the words "White Bear lake" and "Lake Como" and further by inserting in the ninth line after the word "creeks" and before the word "by" the words "except as aforesaid," and also by adding to said section the words "except as aforesaid."

SEC. 2. This act shall take effect and be in [full] force from and after its passage.

Approved March 5, 1874.

CHAPTER CXL.

AN ACT TO AMEND SECTION THIRTEEN AND FOURTEEN OF CHAPTER EIGHTY-FOUR OF THE SPECIAL LAWS OF EIGHTEEN HUNDRED SIXTY-SEVEN, BEING AN ACT ENTITLED "AN ACT FOR THE ESTABLISHMENT OF THE COURT OF COMMON PLEAS, IN AND FOR THE COUNTY OF RAMSEY."

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That sections thirteen and fourteen of chapter eighty-

four of the special laws of eighteen hundred and sixty seven, be amended by striking out the word "April" wherever the same may occur in such section[s] and insert in lieu thereof the word "March" so that the elections therein mentioned shall be held on the second Tuesday of March, instead of the second Tuesday of April as at present provided.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 17, 1874.

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CHAPTER CXLI.

AN ACT TO ESTABLISH A MUNICIPAL COURT IN THE CITY OF MINNEAPOLIS.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. There shall be established in the city of Minneapolis, in the county of Hennepin, a municipal court for the transaction of all business which may lawfully come before it. Said court shall be a court of record, and shall have a clerk and a seal, and shall have jurisdiction to hear, try and determine civil actions at law, where the amount in controversy does not exceed the sum of two hundred dollars, excepting causes involving the title to real estate. It shall also have exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases, arising or triable within the city of Minneapolis, heretofore cognizable before a justice of peace. It shall not have jurisdiction of actions for divorce, nor of any action where the relief asked for in the complaint is purely equitable in its nature.

SEC. 2. The qualified electors of the city of Minneapolis shall, at the general city election to be holden on the first Tuesday in April, in the year eighteen hundred and seventy-four, and on the day of the general city election every third year thereafter, elect a suitable person with the qualifications hereinafter mentioned, to the office of judge of said municipal court, to be called "municipal judge," who shall hold his office for the term of three years and until his successor shall be elected and qualified. In case of any vacancy in the office of municipal judge, the governor of the state of Minnesota shall appoint some qualified person to said office until the

next annual city election, when a judge shall be elected for a full term of three years.

SEC. 3. The judge of the municipal court shall be a resident of the city of Minneapolis, a person learned in the law and duly admitted to practice as an attorney in the courts of this state. Before entering upon the duties of his office, he shall take and subscribe an oath as prescribed in the general statutes for judicial officers, which oath shall be filed in the office of the city clerk of said city. He shall have the general powers of judges of courts of record, and may administer oaths, take and certify acknowledgements in all cases, and as a conservator of the peace shall have all power and authority which is by law vested in justices of the peace or any other judicial officer.

SEC. 4. There shall be a clerk of said municipal court, who shall be appointed by the judge of said court, with the advice and consent of the city council of the city of Minneapolis, and the judge shall have power to remove said clerk at pleasure, or he may be removed by a two-thirds vote of the whole number of aldermen elected to the city council. Such clerk, before he enters upon the duties of his office, shall take and subscribe an oath to support the constitution of the United States and of the state of Minnesota, and to faithfully and honestly discharge and perform the duties of his office; and shall execute to the city of Minneapolis a penal bond, in such sum, and with such sureties, as the council shall direct and approve, conditioned that he will account to and pay over to the treasurer of said city, on the first Monday of every month, all fines, penalties, fees and other moneys belonging to or to go to said city, which may have come into his hands during the month next preceding; and that he will at all times pay over to all other persons, on demand, all moneys to which they may be entitled, which may have come into his hands in virtue or by reason of his office. Such oath and bond shall be filed in the office of the city clerk of said city.

SEC. 5. The municipal court shall have full power and authority to issue all process, civil and criminal, necessary or proper to carry into effect the jurisdiction given to it by law and its judgments and other determinations. And it shall have and possess all the powers usually possessed by courts of record at common law, subject to modifications of the statutes of this state applicable to courts of record, except that it shall not have jurisdiction to issue writs of habeas corpus, quo warranto, ne exeat, mandamus, prohibition nor injunction. All process shall be tested in the name of the judge, and issued under the seal of the court and signed by the clerk, who shall be styled "clerk of the municipal court." And the forms of process may be prescribed by the court by rule or otherwise, and any form so prescribed shall be valid and sufficient, and such forms may be changed

by the court from time to time. In the absence of such prescribed forms, the forms of process in use either in courts of record in this state, or by justices of the peace, may be changed and adapted to the style of the court and used at the discretion of the court or clerk. Process may be directed for service "To any police officer of the city of Minneapolis, or to the sheriff, or any constable of said county."

SEC. 6. The municipal court shall be held in the city of Minneapolis at some suitable place to be provided therefor by the city council. Its judge shall be the chief magistrate of the city, and shall see that the criminal laws of the state, and the ordinances, laws, regulations and by-laws of said city are observed and executed, and for that purpose shall open his court every morning (Sundays and legal holidays excepted) and proceed to hear and dispose of, in a summary manner, all cases which shall be brought before him by the police officers of the city or otherwise, either with or without process, for violations of the criminal laws of this state, committed within the county of Hennepin, or of the ordinances, laws, regulations or by-laws of said city. The clerk of the court shall keep a record of all proceedings and enter all orders, judgments and sentences under the supervision of the judge, and issue commitments and executions as well as all other process.

SEC. 7. The clerk of the municipal court shall have the custody and care of all the books, papers and records of said court. He shall be present at all trials, unless absent from sickness, or with the consent of the judge, and in case of his absence, the judge may appoint some person temporarily in his place. He may swear all witnesses and jurors, and administer all oaths and affirmations, and take acknowledgments. He shall keep minutes of all proceedings, and enter all judgments, and make up and keep the records of the court under the direction of the judge. He shall tax all costs and disbursements allowed in any action, subject to review by the judge, and do all other things and acts necessary or proper to the enforcing and carrying out of the jurisdiction of the municipal court. He shall receive all fines, penalties and fees of every kind accruing to the court, or any officer thereof, including police officers, and keep full, accurate and detailed accounts of the same; and shall, on the first Monday of every month, deliver over to the city treasurer of the city of Minneapolis all moneys so received, with detailed accounts thereof, and take his receipt therefor.

SEC. 8. The municipal court shall hold regular terms for the trial of civil actions, on the first and third Tuesdays of every month, which terms shall continue from day to day with such adjournments as to the court may seem proper until the business of each term shall be finished, and the court may by rule or order, appoint such terms

to be held oftener or upon other days than the days above mentioned. All civil actions for the recovery of money only shall be commenced by summons, or by writ of attachment, to be issued by the clerk. The form of the summons may be as follows :

STATE OF MINNESOTA,	}	ss.	CITY OF MINNEAPOLIS,
COUNTY OF HENNEPIN.			MUNICIPAL COURT.

THE STATE OF MINNESOTA,

To any Police Officer of the City of Minneapolis, or to the Sheriff or any Constable of said County :

You are hereby commanded to summon _____ if _____ shall be found within the county of Hennepin, to be and appear before the municipal court of the city of Minneapolis, at a term thereof to be holden on _____ the _____ day of _____ A. D. 18—, at the opening of the court, and answer to _____ — whose complaint is on file in said court in a civil action, and have you then and there this writ.

Witness the Honorable _____
 _____ Municipal Judge.
 [L. s.] this _____ day of _____, A. D. 187 .

Clerk of the Municipal Court.

Or the summons may be in any other form which the court may by rule prescribe, and shall be served upon the defendant at least six days before the term at which the same is made returnable. No summons shall issue until the complaint in the action shall be made and filed with the clerk. The complaint may be presented in writing to be filed, or may be made orally, and reduced to writing by the clerk. If the defendant fail to appear at the opening of the court on the day at which the summons is returnable, he shall be defaulted. If he so appear, he shall then, or at such time as the court may designate, answer the plaintiff's complaint; and if the answer contain a counter claim, the plaintiff shall reply thereto forthwith, or at such time as the court may designate. The answer, or reply, may be presented in writing, or made orally and reduced to writing by the clerk. And each of such pleadings shall be verified by the party, or his agent or attorney, as in courts of justices of the peace. Either party may demur to any pleading of his adversary, as in the district court, but all pleadings in this court shall be construed liberally, and merely technical objections are to be disregarded.

ed. And the court may, for good cause, in its discretion, and on such terms as it may deem equitable, open any default at the same term at which it occurred, or allow any amendment of any pleading at any time, and shall disregard variances between the allegations of a pleading and the evidence, unless satisfied that the adverse party is prejudiced thereby. Either party shall be entitled to a continuance of any civil action until the next term of the court following the term at which the summons shall be made returnable; and further continuance may be granted upon sufficient cause shown, and on such terms as may be just. Said court shall also have authority to provide, by rule, that the plaintiff in any civil action shall, by bond, recognizance or deposit of money with the clerk, give security for costs in such sum as the court may designate, by such rule, before any summons or other process shall issue in the action.

SEC. 9. Any creditor desiring to proceed by attachment in said court, shall by himself, his agent or attorney, make and file his complaint in writing, together with an affidavit similar to the affidavit required by law in an application for a writ of attachment in justice's court, and also cause to be filed a bond with sufficient surety, to be approved by the judge, and similar to the bond required on a like application in justice's court, except that the limit of liability thereon shall be mentioned therein as "not exceeding the sum of two hundred and fifty dollars." The writ of attachment may be in form as follows:

STATE OF MINNESOTA,	} ss.	CITY OF MINNEAPOLIS,
COUNTY OF HENNEPIN.		MUNICIPAL COURT.

THE STATE OF MINNESOTA,

To any Police Officer of the City of Minneapolis, or to the Sheriff or any Constable of said County:

You are hereby commanded to attach the goods, chattels, moneys, effects and credits of _____ or so much thereof as shall be sufficient to satisfy the sum of _____ with interest and costs of suit, in whomsoever hands or possession the same may be found in said county of Hennepin, and so provide that the same may be subject to further proceedings as the law requires; and also to summon the said _____ if to be found within said county, to be and appear before the municipal court of the city of Minneapolis, at a term [thereof] to be holden on _____ the _____ day of _____, A. D. 18—, at the opening of the court,

and answer to _____ whose complaint is on file in said court, in a civil action, and have you then and there this writ..

Witness the Honorable _____

_____ Municipal Judge, this _____
[L. s.] _____ day of _____ A. D.
187—

Clerk of the Municipal Court.

Or the writ may be in any other form that the court may by rule prescribe, and shall in all cases be returnable as an ordinary summons. In all other respects the service of the writ and other proceedings thereon shall be similar, as near as may be, to the service of such writ and proceedings in justice's courts.

SEC. 10. When the object of an action is to recover the possession of personal property, the plaintiff, his agent or attorney, shall make and file his complaint in writing, together with an affidavit, similar to the affidavit required in a justice's court in a like action. The plaintiff or some person on his behalf, shall execute a bond, with sureties, to be approved by the judge, conditioned similar to bonds in such actions in justice's courts, and file such bond. And an action may be maintained on such bond, as upon similar bonds filed in like actions in justices' courts. The clerk shall thereupon issue the writ, which may be in form as follows:

STATE OF MINNESOTA,	} ss.	CITY OF MINNEAPOLIS,
COUNTY OF HENNEPIN.		MUNICIPAL COURT.

THE STATE OF MINNESOTA,

To any Police Officer of the City of Minneapolis, or to the Sheriff or any Constable of said County.

Whereas _____ complains that _____ has become possessed of, and unjustly detains from _____ the said _____ the following described goods and chattels, that is to say: [Particularly describing the articles and the value.] Therefore, you are hereby commanded that you cause the same goods and chattels to be replevied, without delay, and delivered to said _____ and to summon the said _____ if to be found within said county, to be and appear before the municipal court of the city of Minneapolis, at a term thereof to be holden on _____ the _____ day of _____ A. D. 18—, at the opening of the court, and answer to

_____ whose complaint is on file in said court, in a civil action; and have you then and there this writ.

Witness the Honorable _____

_____ Municipal Judge,

[L. S.]

this _____ day of _____ A. D. 18—.

Clerk of the Municipal Court.

Or the writ may be in any other form that the court may, by rule, prescribe. The writ shall be served, and all proceedings thereunder had, in the same manner (except as to times and forms of pleading and trial) as upon similar proceedings in justice's court. But the officer executing the writ shall retain the property taken under it in his own custody for three days before delivering the same to the plaintiff, and if within that time the defendant, or some one on his behalf shall execute to the plaintiff a sufficient bond, with two or more sureties, to be approved by the judge, conditioned as in like cases in the district court, and file such bond, the clerk shall thereupon issue an order to the officer to re-deliver such property to the defendant.

SEC. 11. The clerk of the court shall, prior to each term of the court, make up a calendar of the causes which will come up for trial, or for any disposition, before the court at such term, adopting such arrangement as the judge may direct; and the court shall direct the order of the trial and other disposition of causes.

SEC. 12. Trial by jury may be had in the municipal court as in courts of justices of the peace, and the jury shall be selected in the same manner as in a justice's court, and venires therefor be issued by the clerk, and talesmen may be selected in the usual manner; but no person shall be compelled to serve as a juror in said court oftener than once in each month, nor shall any person who has served as a juror in said court, be eligible as a juror or talesman in any cause that may be tried in said court within one month thereafter, if objected to by either party. The jury shall take the same oath which is prescribed for jurors in the district court, and the respective functions of judge and jury upon the trial of causes shall be the same as in the district court, and exceptions to the rulings and decisions of the judge, and his charges and refusals to charge, may be taken as upon trials in the district court. Where no other provision is otherwise made in this act, said municipal court is vested with all the powers which are possessed by the district courts in this state, and all laws of a general nature apply to the said municipal court, so far as the same can be made applicable and not inconsistent with the provisions of this act, Jurors in said municipal court shall be entitled to like fees in the trial of civil actions as jurors in justices' courts, to be collected and paid in the same manner; but

the party demanding a jury in any civil action, shall [be] required to advance the jury fee before the commencement of the trial.

SEC. 13. Title eighteen (18) of chapter sixty-six (66) of the general statutes, relative to "trial by referees;" title nineteen (19) of the same chapter, relative to "exceptions," and title twenty (20) of the same chapter, relative to "new trials," shall apply to the said municipal court. And all causes may be removed from the said municipal court to the supreme court of the state of Minnesota, in the same manner and upon like proceedings, and with like effect, as from the districts courts.

SEC. 14. No judgment rendered in said municipal court shall attach as a lien upon real estate until a transcript thereof shall be filed in the district court, as hereinafter provided. But writs of execution thereon, in civil actions, may issue against the goods and chattels of the judgment debtor, returnable within thirty days, as in justices' courts. Every person in whose favor a judgment is rendered in said municipal court for an amount exceeding ten dollars besides costs, may, upon paying the fee therefor and all unpaid fees payable to the clerk in such action, demand and shall receive from such clerk a transcript of such judgment, duly certified, and may file the same in the office of the clerk of the district court of said Hennepin county, who shall file and docket the same, as in the case of transcripts of judgments from courts of justices of the peace. And every such judgment shall become a lien on the real estate of the debtor from the filing of such transcript, to the same extent as a judgment of the said district court, and shall thereafter be exclusively under the control of said district court, and carried into execution by its process, as if rendered in said district court. The clerk of said municipal court shall not issue such transcript while a writ of execution is outstanding in the hands of an officer or otherwise, and shall note on the record of such judgment the fact that such transcript has been given; and shall not thereafter issue any writ of execution on the same judgment, but may at any time give to the same party, or his representatives, a new transcript of such judgment in case of the loss of the transcript first given.

SEC. 15. Proceedings against garnishees may be instituted in the same manner as in justices' courts, but the summons may be served either by any officer or any indifferent person at any place within the state of Minnesota, and the summons may be made returnable at any term of said municipal court which may be named therein, and the notice required to be served on the defendant in the action may be signed either by the clerk of said court or the person who served the garnishee summons or by the plaintiff or his attorney. The disclosure of the garnishee may be taken [and] all fur-

the proceedings had in the same manner as if the proceeding were in the district court.

SEC. 16. Complaints in criminal cases, where the defendant is not in custody, may be made to the court when in session, or to the judge or clerk, when not in session, and shall be made in writing, or reduced to writing by the judge or clerk, and sworn to by the complainant, whether the offense charged be a violation of the criminal laws of the state, or of the ordinances, regulations or by laws of said city. And the clerk, as well as the judge, is hereby made a conservator of the peace, and vested with the same authority, discretion and power to act in receiving complaints and issuing the warrants of said court in criminal cases. And complaints, warrants, and all other process in criminal cases may follow substantially the same forms heretofore in use by justices of the peace, with such alterations as may seem convenient to adapt the same to the style of said municipal court; or may be in such other form as the court may prescribe, sanction or approve. In cases where alleged offenders shall be in custody and brought before the court, or the clerk, without process, the clerk shall enter upon the records of the court a brief statement of the offense with which the defendant is charged, which shall stand in place of a complaint, unless the court shall direct a formal complaint to be made. The plea of the defendant shall be guilty or not guilty; in case of failure to plead, the clerk shall enter a plea of not guilty, and a former acquittal or conviction for the same offense may be proved under that plea as well as if formerly pleaded. In the examination of offenders charged with indictable offenses, the clerk shall keep such minutes of the examination as the court may direct, and shall make the proper return to the court before which the party charged with the offense may be bound to appear.

SEC. 17. The judge of said court shall receive a salary of twenty-five hundred dollars per year, and the clerk of said court a salary of fifteen hundred dollars per year, payable from the city treasury of said city of Minneapolis, in quarterly installments; and neither the said judge nor clerk shall receive any other fee or compensation for his services. But in all proceedings had in said municipal court like fees shall be charged and collected by the clerk, as costs, as are allowed by law to justices of the peace in proceedings and upon trials before them, or for similar services. It shall be the duty of the police officers of said city to serve all process issued by said court, and process shall not be given for service to any sheriff or constable except in cases of necessity where the services of a police officer cannot readily be obtained, but this clause is directory and shall not affect the validity of services made by any officer. Police officers in making service of any process or doing other duty in respect to causes in said court, shall note and return to the court for collection

such fees for such services as are allowed to constables for the like services in justice's court. And all fees, whether so charged by the clerk or by any police officer, shall be collected by the clerk as costs, and by him be accounted for and paid over to the city treasurer of said city, as hereinbefore provided for. But no fees shall be charged against either the city, county or state.

SEC. 18. It shall be the duty of the mayor and chief of police of said city to see that a sufficient number of police officers are always in attendance upon said court, and in readiness to obey its mandates and serve its process, and preserve order in its proceedings. Police officers of said city shall hereafter receive for their services no other compensation than the salary paid them by said city; and if any fee, gratuity or reward shall be paid to any police officer for any service, he shall forthwith pay the same over to the clerk of said municipal court, for the use of said city, and the failure to do so shall be a misdemeanor, punishable by fine not exceeding one hundred dollars, or by imprisonment not exceeding thirty days.

SEC. 19. In case of the sickness or absence of the judge of the municipal court, the judge of the court of common pleas of the county of Hennepin is hereby authorized and empowered to hold said municipal court and perform all the duties and exercise all the functions of municipal judge. And the judge of said court of common pleas may, upon the request of said municipal judge, act as the judge of said municipal court, in the trial of any particular cause pending therein. In case it shall appear from the pleadings, or upon the trial of any cause, that the title to real estate is involved in the action, the municipal court shall not proceed further therein; but shall transfer the action to the district court, or the court of common pleas of said county, and the cause shall be proceeded within the court to which it shall be transferred, as if originally commenced therein.

SEC. 20. The city attorney of the city of Minneapolis shall have charge of the prosecution of all criminal proceedings before said municipal court; but the county attorney of the county of Hennepin may, at his discretion, act in the prosecution of offenders charged with offenses against the criminal laws of the state.

SEC. 21. The clerk of the municipal court shall, under the direction of the judge, and with the consent of the city council of said city (unless otherwise provided), from time to time, procure and furnish all the necessary blanks, stationery, record books, court room, jury room, and office furniture, lights and fuel for the use of the court and the officers thereof, at the expense of the said city.

SEC. 22. Upon the election and qualification of the municipal judge, all causes and proceedings then pending before justices of the peace within said city, shall forthwith, by said justices, be

transferred to said municipal court, with all papers and records concerning the same, and said municipal court shall take cognizance of such causes and proceedings, and proceed therein as if the same were originally commenced in said municipal court. And the dockets, records, files and papers in the custody of and all justices of the peace of said city shall at once be transferred and turned over to the said municipal court, which shall have full jurisdiction to finish and complete all proceedings pending before any justice of the peace, and to enforce, by execution or otherwise, all judgments theretofore rendered by justices of the peace within the present city of Minneapolis, and such judgments shall stand on the same footing as judgments of said municipal court. And after the election and qualification of said municipal judge, no justice of the peace within the city of Minneapolis shall issue any process, nor take cognizance of any action or proceeding, civil or criminal; but the jurisdiction of said municipal court shall, within said city, be exclusive in all causes heretofore cognizable before justices of the peace, except that this clause shall not effect the jurisdiction of any court of record having general jurisdiction, such as is conferred upon the district court.

SEC. 23. This act shall take effect and be in force from and after its passage.

Approved February 13, 1874.

CHAPTER CXLII.

AN ACT TO DETACH FROM THE TOWN OF BELLE PLAINE, IN THE COUNTY OF SCOTT, AND STATE OF MINNESOTA, A PORTION THEREOF, AND TO PROVIDE FOR THE TOWNSHIP ORGANIZATION OF THE PORTION SO DETACHED, AND ELECTION OF OFFICERS THEREFOR.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That so much of township one hundred and thirteen north of range twenty five west, as lies in the county of Scott and state of Minnesota, except the easterly tier of sections thereof, be and the same is hereby [detached from the town of Belle Plaine,

and that the same be and the same is hereby] organized as a town under the name of Blakeley.

SEC. 2. That the board of county commissioners of the county of Scott, in said state, shall at their first session had after the passage of this act, make out notices designating a suitable place for holding the first town meeting in such town of Blakeley, and provide for the holding of a town meeting therein within twenty days thereafter. And the county auditor of said county, shall deliver such notices to the sheriff of said county who shall cause the same to be posted in such town not less than ten days before the day set for such town meeting.

SEC. 3. That all taxes heretofore assessed upon any property within the limits of the town of Blakeley, as described in section one of this act, and which are now in the treasury or delinquent, shall accrue to and be paid over to the treasurer of said town of Blakeley, except taxes assessed for state or county purposes; *Provided*, That all taxes heretofore assessed and delinquent shall be collected in like manner as if this act had never been passed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER CXLIII.

AN ACT TO SUPPLY RECORD EVIDENCE OF CERTAIN ASSESSMENTS IN MILLE LACS COUNTY.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the county auditor be and he hereby is authorized to procure certified copies of the assessment rolls from the town clerks of the several towns of Mille Lacs county, for the year eighteen hundred and seventy-two, which said assessment rolls when so procured, certified by the respective clerks of said towns, and filed with the auditor of said county, shall be taken as lawful evidence of such assessment.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER CXLIV.

AN ACT TO PROVIDE FOR ORGANIZING AS A TOWN CONGRESSIONAL TOWNSHIP NUMBER ONE HUNDRED AND ELEVEN, IN RANGE NUMBER THIRTY-FIVE, IN THE COUNTY OF REDWOOD.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Whenever a majority of the legal voters in congressional township number one hundred and eleven, in range number thirty-five, in the county of Redwood, shall petition the board of county commissioners of said county to be organized as a town under the provisions of the general statutes of the state, said board shall forthwith proceed to organize the same as a town, under the provisions of such statutes, without regard to the number of legal voters contained in said congressional township.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER CXLV.

AN ACT TO VACATE A PART OF GREENVALE CEMETERY IN THE TOWN OF SAUK CENTRE.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Blocks lettered "C," "D," "E" and "F," of the Greenvale Cemetery, in the town of Sauk Centre in the county of Stearns, according to the plat thereof recorded in the office of the register of deeds of said county, together with all the streets, alleys and walks pertaining to the same, excepting the street running north and south along the eastern boundary of said blocks, are hereby vacated and declared to be no longer any part of said cemetery nor of the plat thereof.

SEC. 2. The board of trustees of the Greenvale Cemetery Association are hereby authorized and empowered, at any regular or special meeting thereof called for that purpose by resolution, to negotiate, bargain and sell the land composing the said blocks, streets, alleys and walks hereby vacated, upon such terms as to them, or a majority of them, may seem proper, and without restriction as to the purpose to which said lands are to be applied or used, and in pursuance thereof to make, execute and deliver a deed or deeds of conveyance thereof to the purchaser or purchasers of said lands accordingly, and apply the proceeds of such sales to the purposes mentioned in section one hundred and seven of chapter thirty-four of the general statutes.

SEC. 3. This act shall take effect and be in force from and after its passage and approval.

Approved March 9, 1874.

CHAPTER CXLVI.

AN ACT TO AMEND AN ACT ENTITLED AN ACT IN RELATION TO THE CITY OF MANKATO, PROSCRIBING [PRESCRIBING] THE MANNER OF TAKING PRIVATE PROPERTY FOR PUBLIC USE, AND LEVYING ASSESSMENTS THEREFOR, AND FOR OTHER LOCAL IMPROVEMENTS, APPROVED FEBRUARY TWENTY-EIGHTH, EIGHTEEN HUNDRED AND SEVENTY-THREE.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That section six, of chapter eleven, of the special laws of eighteen hundred and seventy-three, be amended so as to read as follows, to-wit :

Sec. 6. When the city commissioners shall have reported to the common council in relation to any proposed improvement involving the doing of any work, or the furnishing of any material, the common council may direct the city recorder to advertise for proposals for doing such work or furnishing such material ; a plan and profile of the work to be done, accompanied with specifications for doing the same, in all cases where such plan, profile and specifications may be necessary for perfect description of the work to be done, being first placed on file in the office of the city recorder, which plans,

profiles and specifications shall at all times be open for public inspection, the city commissioners may for the sake of convenience or accuracy in making the assessments as hereinafter provided, divide the proposed work or improvement into several divisions or sections, and indicate the same in their report to the common council, and in such case the plan, profile and specifications shall correspond as near as may be with, and indicate such divisions or sections; bids for doing any work or making any improvement, as provided herein, shall name a gross sum for the whole work or improvement, or some specified section or division thereof, and the contract, when awarded, shall be for the doing of the work or making the improvement, or some specified section, portion or division thereof, at a gross sum for the whole, or for such specified part thereof; upon being directed to advertise for proposals, as above provided, the city recorder shall cause an advertisement to be published for at least two weeks in the official paper of the said city, stating briefly, in general terms, the nature of the work to be done, stating where the plan, profile and specifications may be examined, and within what time bids for the doing of such work will be received, such bids shall be directed to the common council of the city of Mankato and shall each be accompanied by a bond to the said city in a sum equal to thirty per cent. of the amount of the bid as liquidated damages and signed by the bidder and two responsible sureties to the satisfaction of the common council, conditioned that the bidder shall execute the work for the price mentioned in his bid and according to the plan and specifications, in case the contract shall be awarded to him, and in case of default on his part to execute the contract and perform the work in accordance with its terms, said bond may be sued and judgment recovered thereon by said city for the full amount thereof, in any court having jurisdiction of the amount; *Provided*, That the amount of such bond may in the discretion of the common council be fixed at any other sum, or percentage than the herein before prescribed. Said bids shall be opened by the common council at their next meeting, after the time for receiving bids shall have expired, or at any other appointed, regular or special meeting thereafter. Upon the opening of said bids or at any time thereafter, the common council may award the doing of the work or any part thereof, to the lowest reliable and responsible bidder or bidders, who shall have complied with the above requirements, and who shall have sufficiently guaranteed to the satisfaction of the common council the faithful performance of said work. The common council may let such contract upon such conditions or provisions not inconsistent with the provisions of this act as they may deem proper, the acceptance of any such bid by the vote of the common council shall perfect the contract between such bidder and

the city, and no signature of any officer of said city or the affixing of the corporate seal thereof shall be necessary to the validity of such contract. In case any person or persons with whom such contract may have been made, shall fail or neglect to complete the same, within the time and in the manner prescribed, the common council of said city may at any time after such default, in its discretion and at its election, instead of causing action to be brought upon such bond for the recovery of the amount thereof on account of such default, by vote declare such contract forfeited, and the city may then complete the work by contract or otherwise, and the cost of completing the same shall be considered as forfeited, and as liquidated damages between such contractor and said city for such breach of contract, and shall be deducted and withheld from the contract price, which such contractor was to have received for doing the whole of such work.

SEC. 2. That section twenty-nine of said act be amended by adding at the end thereof the following, to-wit: The title to any lands that may be acquired by said city under any such sale may, after the time for redemption shall have expired, upon the affirmative vote of two-thirds of all the members comprising the common council, be re-conveyed by deed to any person who shall present to the common council an abstract of title, certified by the register of deeds of Blue Earth county, and showing to the satisfaction of the common council the title of such lands to be in the applicant, (except for the title acquired by said city,) and upon the payment into the city treasury of the amount for which such land was struck to said city at such sale, with interest thereon from the time of such sale at the rate of two per cent. per month. When any such tract of land shall be owned by several tenants in common, and any one of such several owners shall make application and proof as herein before provided, for the conveyance of his proper undivided part of such lands, a conveyance of the same may be made in the same manner and upon the same terms as elsewhere in this section prescribed, upon the payment by such applicant of such proportion of the sum charged at and by such sale upon the whole of such tract as the undivided ownership of the applicant bears to the whole title to such land. The common council may, in their discretion, annex any such other or further conditions to the making of any such conveyance as they may deem proper. All conveyances shall be executed by the mayor and city recorder under the corporate seal of said city. At any time after the expiration of the time for redemption of any lands from any such sales, no redemption having been made, the common council of said city may, by a two-thirds vote of all the members thereof, direct a sale at public auction or otherwise of such lands or interest therein as may have been

acquired by said city under this act, and may, by the same two-thirds vote, prescribe the manner of making such sales.

SEC. 3. That section thirty-six of said act be amended by adding at the end thereof the following, to-wit: No extension of the time for the doing of any work contracted for, or any other change in respect to such contract, not materially affecting the property rights of the person complaining of or pleading such change, shall invalidate any proceeding or assessment had or made under this act.

SEC. 4. That section two of said act be amended by striking out the proviso at the end thereof.

SEC. 5. That this act shall take effect and be in force from and after its passage.

Approved March 2, 1874.

CHAPTER CXLVII.

AN ACT TO DETACH CERTAIN TERRITORY FROM THE TOWN OF ROCKFORD, IN WRIGHT COUNTY, MINNESOTA, AND TO ATTACH THE SAME TO THE TOWN OF FRANKLIN, IN SAID COUNTY.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That all that portion of township one hundred and nineteen, range twenty-five, in the township of Rockford, in Wright county, Minnesota, lying south of the center of the north fork or branch of the Crow River, be and the same is hereby detached from said township of Rockford, and is hereby attached to the township of Franklin in said county, for all purposes whatsoever; *Provided*, That at the next annual election the question whether said territory shall be attached to the township of Franklin, shall be submitted to the legal voters of said townships of Rockford and Franklin, and that a separate ballot box shall be provided for that purpose by the judges of election in said towns. The tickets used shall be "for addition to the township of Franklin," or "against addition to the township of Franklin," and said tickets may be written or printed, or partly written and partly printed, and the judges of election shall count the said votes in the same manner and make return thereof in the same manner as provided by law for the counting and returning of votes for county officers, and in case a majority of such votes be

cast in favor of such addition, the county auditor shall immediately after the canvassing of such returns, file or cause to be filed in the town clerk's office in each of the said towns a certified copy thereof, and this act shall thereupon become of full force.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER CXLVIII.

AN ACT TO AMEND CHAPTER THIRTEEN OF THE SPECIAL LAWS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-THREE, [AS] AMENDED BY CHAPTER FOURTEEN OF THE SPECIAL LAWS FOR THAT YEAR.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section 1 of chapter thirteen of the special laws of the state of Minnesota for the year eighteen hundred and seventy-three, as amended by chapter fourteen of the special laws for the same year, be amended by striking out the last proviso at the end of said section.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER CXLIX.

AN ACT TO DIVIDE THE COUNTY OF LYON INTO COMMISSIONER DISTRICTS.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the county of Lyon be and it is hereby dis-

tricted into three commissioner districts, as follows: That township number one hundred and nine in range forty, forty one, forty-two and forty three, and township number one hundred and ten in range forty and forty one constitute commissioner district number one. That township number one hundred and ten, range forty-two and forty three and township number one hundred and eleven in range forty, forty-one, forty-two and forty-three constitute district number two, and that township number one hundred and twelve and one hundred and thirteen in range forty, forty-one, forty-two and forty-three constitute commissioner district number three.

SEC. 2. That the county commissioners now elected shall hold their office in their respective districts during the term for which they were elected.

SEC. 3. This act shall be in force on and after its passage.

Approved March 5, 1874.

CHAPTER CL.

AN ACT RELATING TO THE EXECUTION OF DEEDS BY THE LAKEWOOD CEMETERY ASSOCIATION OF HENNEPIN COUNTY.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The Lakewood cemetery association of Hennepin county may and hereby is authorized to execute deeds as provided for in section one hundred and two of title five of chapter thirty-four of the general statutes of eighteen hundred and sixty-six, and also to execute deeds signed by the secretary and treasurer of said cemetery association.

SEC. 2. All deeds heretofore executed by said Lakewood cemetery association signed by the secretary and treasurer thereof are hereby declared to be valid and of the same force and effect as if they had been signed by the president and treasurer of said cemetery association.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER CLI.

AN ACT TO APPOINT TRUSTEES OF "THE BAPTIST CHURCH OF ST. ANTHONY, AND TO EMPOWER THEM TO CONVEY PROPERTY, AND TO VEST ALL OTHER PROPERTY OF SAID SOCIETY IN THE FIRST BAPTIST CHURCH OF ST. ANTHONY, AND TO CHANGE THE NAME OF THE BAPTIST CHURCH OF ST. ANTHONY.

WHEREAS, The First Baptist Church of St. Anthony is the successor to the Baptist Church of St. Anthony, both of which are religious societies and corporations, and the title of their church lots is in the name of "The trustees of the Baptist Church of St. Anthony," and the last mentioned society is without trustees.

WHEREAS, Said lots have been sold, and to perfect the title in the purchaser, and to extinguish the last named society, therefore,

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Roger M. S. Pease, Jason W. Smith and V. J. Walker, be appointed trustees of the Baptist Church of St. Anthony, to convey lots seven (7) and eight (8) in block thirty-five (35), St. Anthony Falls, according to the plat thereof filed and recorded in the office of the register of deeds for Hennepin county, said pieces of land being in Hennepin county, Minnesota. Said lots are to be conveyed under the direction of the trustees of the First Baptist Church of St. Anthony.

SEC. 2. After said conveyance, all other property property of The Baptist Church of St. Anthony shall vest in The First Baptist Church of St. Anthony," and the name of the society, "The Baptist Church of St. Anthony, shall be changed to the First Baptist Church of St. Anthony.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 19, 1874.

CHAPTER CLII.

AN ACT FOR THE RELIEF OF THE HEIRS OF JOHN BODGER, DECEASED,
LATELY A RESIDENT OF DAKOTA COUNTY.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the county commissioners of Dakato county shall repay to the heirs of John Bodger, deceased, all war bounty taxes, paid by him or them, upon the northwest quarter of section seven, township one hundred and twelve, range nineteen, in the township of Waterford in said county, as fully as if the said John Bodger had enlisted in the military service of the United States on or before the second day of March, eighteen hundred and sixty-five, as provided in an act entitled an act to relieve soldiers from paying bounty tax and to prohibit the levy of bounty taxes to pay volunteers enlisting after July first, eighteen hundred and sixty-five, approved March second, eighteen hundred and sixty-five, and also to remit to said heirs any unpaid war bounty taxes due upon said law [land.]

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER CLIII.

AN ACT TO AUTHORIZE ADMINISTRATION OF THE ESTATE OF JAMES
WRIGHT, DECEASED.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The probate court of St. Louis county is hereby authorized to issue letters of administration of the estate of James Wright, deceased; and is hereby clothed with the same authority and jurisdiction over the said estate and its administrator when ap-

pointed, as if the said deceased had been at the time of his death a resident of said county.

SEC. 2. This act is hereby declared to be a public act and shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER CLIV.

AN ACT TO AMEND SECTION FOUR OF CHAPTER ONE HUNDRED AND THIRTY-SEVEN OF THE SPECIAL LAWS OF EIGHTEEN HUNDRED AND SEVENTY-THREE, APPROPRIATING MONEY TO THE COUNTY OF WRIGHT, TO AID IN THE CONSTRUCTION OF ROADS AND BRIDGES.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section four of said chapter one hundred and thirty-seven, be, and the same is hereby amended so as to read as follows:

Sec. 4. Said commissioners are to expend the said sum of money on that portion of said road lying between the aforesaid town of Hassen in said Hennepin county, and the farm now owned and occupied by George Coombs in the aforesaid town of Silver Creek, in said Wright county. *Provided*, That this act shall not be so construed so as to prevent the aforesaid commissioners from paying out of said sum of one thousand dollars, the sum of two hundred dollars to the county commissioners of Wright county, and by them to be applied to aid in the construction of a bridge across Crow River at or near a point where the line of the state road from Glencoe to Fairhaven crosses said Crow river.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 28, 1874.

CHAPTER CLV.

AN ACT TO APPROPRIATE MONEY TO BUILD A BRIDGE ACROSS THE
DES MOINES RIVER, IN THE TOWNSHIP OF BELMONT, IN JACKSON
COUNTY.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the sum of six hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury belonging to the internal improvement fund, or out of the first moneys which shall come into the state treasury belonging to said fund, to build a substantial bridge across the Des Moines river, in town of Belmont, in Jackson county, at or near the south line of section twenty-eight, in township one hundred and three, and of range thirty-five west, where the town road of Belmont now crosses said Des Moines river, and the said bridge when erected shall be kept in repair by the town of Belmont, and be forever free from toll.

SEC. 2. The said bridge shall be built under the direction of the board of county commissioners of said Jackson county, and no part of said appropriation shall be paid out of the state treasury until said bridge shall be completed and ready for travel.

SEC. 3. The governor shall appoint three persons, citizens of Jackson county, to view said bridge when completed, and examine all contracts, vouchers and accounts respecting the construction and cost of said bridge, and fix the cost thereof, and make a report of said cost to the state auditor.

SEC. 4. That upon the receipt of the said report by the state auditor, he shall draw his order in favor of said county of Jackson, on the state treasurer for any money belonging to the internal improvement fund, for the cost of said bridge, not to exceed the sum of six hundred dollars, and the state treasurer shall pay over such money to the county treasurer of Jackson county, upon said order of the state auditor, and such money shall be paid out by the county treasurer of Jackson county upon the orders of said board of county commissioners in payment of the cost of said bridge.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER CLVI.

AN ACT TO APPROPRIATE MONEY TO BUILD A BRIDGE ACROSS BRUSH CREEK IN FARIBAULT COUNTY.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the sum of five hundred dollars or so much thereof as may be necessary. is hereby appropriated out of the internal improvement fund in the state treasury not otherwise appropriated, or which may hereafter come into the state treasury to the credit of said internal improvement fund, for the purpose of building a substantial bridge across Brush Creek, at a point on said creek where the public highway running from Blue Earth City in Faribault county, to Albert Lea in Freeborn county, across [crosses] said creek in the town of Brush Creek in Faribault county.

SEC. 2. Said bridge shall be built under the direction of the board of county commissioners of said county of Faribault, and no part of said appropriation shall be paid until said bridge is completed and ready for use.

SEC. 3. That David Pratt, John J. Northerness and John Errickson, of said county of Faribault, are hereby appointed a committee on the part of the state to view said bridge when completed, and examine all contracts, vouchers and accounts relating thereto, and the cost thereof, and to ascertain the cost of building said bridge, and make a report of such cost to the state auditor. That any two of said committee may act and in case two of said committee cannot be found to act, the county auditor of Faribault county shall notify the governor of the state of the fact, who shall by appointment fill any vacancy in said committee.

SEC. 4. That upon the receipt of said report by the state auditor he shall upon demand of the treasurer of Faribault county, draw his order or orders in favor of said county treasurer on the state treasurer for moneys belonging to said fund for the cost of said bridge as reported by said committee, in amount not to exceed five hundred dollars, and the state treasurer shall pay over such money to the treasurer of Faribault county upon such order or orders, and such money shall be distributed by such county treasurer upon the order of said board of county commissioners in payment of the cost of said bridge.

SEC. 5. That the said bridge when erected shall be kept in repair by the said town of Brush Creek, and free from tolls.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER CLVII.

AN ACT TO APPROPRIATE MONEY TO BUILD A BRIDGE ACROSS THE LAC QUI PARLE RIVER.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury belonging to the internal improvement funds, or out of the first moneys which shall come into the treasury belonging to said fund, to build a substantial bridge across the Lac qui Parle river at the village of Lac qui Parle, and said bridge when erected shall be kept in repair by said county and be forever free from toll.

SEC. 2. That said bridge shall be built under the direction of the board of county commissioners of said county of Lac qui Parle, and no part of said appropriation shall be paid out of the state treasury until said bridge shall be complete and ready for travel.

SEC. 3. That B. Nichols, F. Merrill and J. R. Hamlin, are hereby appointed a committee on the part of the state to view said bridge when completed, and examine all contracts, vouchers and accounts respecting its construction and the cost thereof, and to ascertain and fix the cost of building said bridge, and make a report of such cost to the state auditor; any two of said committee may act in the premises, and in case two of said committee cannot be found to act, the auditor of Lac qui Parle county shall notify the governor of the state of such fact, who shall by appointment fill any vacancies that may exist in said committee.

SEC. 4. That upon receipt of said report by the state auditor he shall upon demand of the county treasurer of said county of Lac qui Parle, draw his order or orders in favor of said county treasurer on the state treasurer for moneys belonging to said fund for the cost

of said bridge as reported by said committee, in case the sum does not exceed the sum of one thousand dollars and the state treasurer shall pay over such moneys to the county treasurer of said county of Lac qui Parle, upon said order, and such moneys shall be distributed by said county treasurer of said county of Lac qui Parle, upon the orders of said board of county commissioners in payment of cost of said bridge.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved Feb. 24, 1874.

CHAPTER CLVIII.

AN ACT TO APPROPRIATE MONEYS TO BUILD A BRIDGE ACROSS FORT RIDGELY CREEK, IN THE COUNTY OF NICOLLET.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the sum of four hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury belonging to the internal improvement fund, or out of the first moneys which shall come into the treasury belonging to said fund, not already appropriated, to build a substantial bridge across Fort Ridgely Creek, in the town of Fort Ridgely, in the county of Nicollet, at the points where the New Ulm and Fort Ridgely state roads cross said creek, and when said bridge is completed, the same shall be kept in repair by the town of Fort Ridgely, and be forever free from toll.

SEC. 2. That said bridge shall be built under the direction of the board of county commissioners of Nicollet county, and no part of said appropriation shall be paid out of the state treasury until said bridge shall be completed and ready for travel.

SEC. 3. That Hon. Wm. Pfænder, of Brown county, Hon. W. L. Couplin, of Nicollet county, and D. S. Hall, Esq., of Renville county, are hereby appointed a committee on the part of the state to view said bridge when completed, and examine all contracts and vouchers respecting the cost and construction of said bridge, and report such cost to the state auditor. Any two of the said committee may act in the premises.

SEC. 4. That upon receipt of such report by the state auditor, he shall, upon demand of the county treasurer of said Nicollet county, draw his order or orders in favor of said county treasurer on the state treasurer for moneys belonging to said fund to the amount of four hundred dollars, and the state treasurer shall pay over such moneys to said county treasurer upon said orders, and such moneys shall be disbursed by said county treasurer upon the orders of said board of county commissioners, towards paying off the cost of constructing said bridge.

SEC. 5. This act shall take effect from and after its passage.

Approved March 5, 1874.

CHAPTER CLIX.

AN ACT TO APPROPRIATE MONEY TO AID THE COUNTIES OF YELLOW AND CHIPPEWA IN THE CONSTRUCTION OF A BRIDGE ACROSS THE MINNESOTA RIVER.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the sum of eight hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the state treasury belonging to the internal improvement fund, or out of any moneys which shall hereafter come into the treasury belonging to said fund, not already appropriated, for the completion of a bridge across the Minnesota river, at Minnesota Falls, and in the counties aforesaid.

SEC. 2. That said bridge shall be constructed and completed under the direction of S. S. Russell of Yellow Medicine county, L. R. Moyer of Chippewa county, and William Reed of Renville county, who shall constitute a board of commissioners for such purpose. A majority of whom may act, after reasonable notice of the time and place of the meeting of said commissioners shall have been served by the said S. S. Russell upon the other two. No part of said appropriation shall be paid until the bridge shall be completed and ready for travel.

SEC. 3. That W. F. Dickinson of Redwood, Browning Nichols of Lac qui Parle, and Ole Landie of Yellow Medicine county, are hereby appointed a committee to view said bridge when completed,

to examine all contracts, accounts and vouchers respecting its construction, and the cost thereof, and to ascertain, compute and fix upon the cost of building said bridge, and make a report of such cost to the state auditor.

SEC. 4. That any two members of said committee may act in the premises, in the absence of the other member thereof, after due notice to him of the time and place of meeting, and a decision of a majority of those present shall be legal and binding upon all parties concerned.

SEC. 5. That upon the receipt of the report of the auditing committee by the state auditor, he shall, upon the order of the commissioners herein first named, or a majority of them, draw his warrant in favor of the person or persons named in the order of said commissioners upon the state treasurer for the moneys belonging to said fund to the amount of the cost of said bridge as reported by said committee, and the state treasurer shall pay over such moneys according to the terms of this act; *Provided*, The sum shall not in the aggregate exceed eight hundred dollars.

SEC. 3. The said bridge, after its completion, shall be kept in good condition by the counties in which the same shall be situated, and shall remain a free bridge forever.

SEC. 7. This act is hereby declared a general law and shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER CLX.

AN ACT TO APPROPRIATE MONEY TO BUILD A BRIDGE ACROSS THE CHIPPEWA RIVER IN THE COUNTY OF POPE.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the sum of eight hundred dollars or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury belonging to the internal improvement fund, or out of the first moneys which shall come into the treasury belonging to said fund, to build a substantial bridge across the Chippewa River at or near a point where the county road leading from Chippewa Falls in Pope county, to Hancock in Stevens county,

crosses said river, and said bridge when erected shall be kept in repair by the county of Pope, and be forever free from tolls.

SEC. 2. That the said bridge shall be built under the direction of the board of county commissioners of said county of Pope, and no part of said appropriation shall be paid out of the state treasury until said bridge shall be completed and ready for travel.

SEC. 3. That the governor shall appoint three persons citizens of Pope county, as a committee on the part of the state, to view said bridge when completed, and examine all contracts, vouchers and accounts respecting its construction and cost thereof, and fix the cost of said bridge and make a report of such cost to the state auditor.

SEC. 4. That upon receipt of said report by the state auditor, he shall draw his order in favor of said county of Pope on the state treasurer for any money belonging to the internal improvement fund for the cost of said bridge, not to exceed eight hundred dollars, the state treasurer shall pay over such money to the county treasurer of Pope county upon said order or orders, and such money shall be paid out by the county treasurer upon the order of the board of county commissioners in payment of the cost of said bridge.

SEC. 5. This act shall take effect from [and] be in force from and after its passage.

Approved March 5, 1874.

CHAPTER CLXI.

AN ACT TO APPROPRIATE MONEY TO BUILD A BRIDGE ACROSS THE POMME DE TERRE [RIVER,] IN GRANT COUNTY.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the sum of two hundred dollars, or so much thereof as may be required, be and the same is hereby appropriated out of any moneys in the state treasury belonging to the internal improvement fund, or out of the first moneys that shall come into the state treasury belonging to said fund, to build a good and substantial bridge across the Pomme de Terre river, on section twelve town one hundred and twenty-eight, range forty-two west, in said

Grant county. Said bridge when erected to be and remain forever free from toll.

SEC. 2. Said bridge shall be built under the direction of the board of county commissioners of said Grant county, and no part of said appropriation shall be paid out of the state treasury until the completion of the bridge above mentioned.

SEC. 3. R. S. Talbot, Knut Melby and Timothy Heald are hereby appointed a committee on the part of the state to view and examine said bridge so soon as completed, and to examine all contracts, papers and accounts respecting its construction, and to fix and decide the costs thereof, and to report to the state auditor the sum said contractor or contractors shall be entitled to under the contracts, agreement or specification relating to the construction of the bridge aforesaid.

SEC. 3. Any two of said committee may act in the premises, and in case two of said committee cannot be found, or refuse to act, it is hereby made the duty of the county auditor of Grant county, upon the request of any one of the county commissioners of said county, to investigate and examine all papers, vouchers and contracts related to the building of said bridge, and to estimate its value and report at his earliest convenience all the facts to the state auditor, who shall then have full authority to issue an order or draft in favor of the county treasurer on the state treasurer, for the amount found to be due for the construction of the bridge required, not exceeding the sum of two hundred dollars.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER CLXII.

AN ACT TO APPROPRIATE MONEY TO AID THE COUNTY OF SWIFT IN CONSTRUCTING A BRIDGE ACROSS THE CHIPPEWA RIVER ON THE STATE ROAD, TO LAC QUI PARLE FROM BENSON.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the sum of two hundred dollars or so much thereof as may be necessary is hereby appropriated out of any mon-

eyes in the treasury belonging to the internal improvement fund, or out of the first moneys which shall come into the treasury belonging to said fund, to build a substantial bridge across the Chippewa river on the state road to Lac qui Parle, from Benson, and said bridge when erected shall be kept in repair by said county and forever free from toll.

SEC. 2. That the said bridge shall be built under the direction of the board of county commissioners of said county of Swift, and no part of said appropriation shall be paid out of the state treasury until such bridge be completed and ready for travel.

SEC. 3. That the governor shall appoint three persons, citizens of Swift county as a committee on the part of the state to visit said bridge when completed, and examine all contracts, vouchers and accounts, respecting its construction and the cost thereof, and fix the cost of said bridge, and make a report of such cost to the state auditor.

SEC. 4. That upon the receipt of said report by the said [state] auditor, he shall draw his order in favor of said county of Swift of [on] the state treasurer for any money belonging to the internal improvement fund for the cost of said bridge, not to exceed two hundred dollars; the state treasurer shall pay over such money to the county treasurer of Swift county upon said order or orders, and such money shall be paid out by the county treasurer upon the order of the board of commissioners in payment of the cost of said bridge.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER CLXIII.

AN ACT TO APPROPRIATE MONEY TO AID THE COUNTY OF SHEBURN TO BUILD A BRIDGE ACROSS ST. FRANCIS RIVER.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the sum of two hundred dollars or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury belonging to the internal improvement fund, or out of the first moneys that shall come into the treasury belonging

to said fund not already appropriated, to aid in building a bridge across the St. Francis river, on the homestead of M. [W.] Mann on county road, said homestead being the S.W. $\frac{1}{4}$ of section 10, town 35, range 27; *Provided*, That it shall be the duty of the county commissioners of Sherburne county to build and locate said bridge across the aforesaid river or as near as practicable, at such points as will best accommodate the public.

SEC. 2. That said bridge shall be built under the direction of the county commissioners of Sherburne county, and no part of said appropriation shall be paid out of the state treasury till said bridge is completed and ready for travel.

SEC. 3. That John Parker, C. H. Chadbourne and J. O. Havens, of the counties of Sherburne and Mille Lacs, are hereby appointed a committee on the part of the state, to view said bridge when completed, and examine all contracts, vouchers and accounts respecting the construction and cost thereof, and to ascertain, compute and fix upon the cost of building said bridge, and make report of such cost to the state auditor, any two of said committee may act in the premises.

SEC. 4. That upon receipt of said report by the state auditor he shall upon demand of the treasurer of Sherburne county, draw his order or orders in favor of said county treasurer [on the state treasurer] for moneys belonging to said fund to the amount of the cost of the bridge as reported by said committee, but not to exceed two hundred dollars, and the state treasurer shall pay over such moneys to said county treasurer upon said order, and such money shall be disbursed by said county treasurer upon the orders of said county commissioners as aforesaid, to pay off the costs of the construction of said bridge.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER CLXIV.

AN ACT TO APPROPRIATE MONEY TO AID IN THE CONSTRUCTION OF
A BRIDGE ACROSS FISH CREEK, IN WRIGHT COUNTY.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the sum of three hundred dollars is hereby appropriated out of any moneys in the state treasury belonging to the internal improvement fund, or out of the first moneys which shall come into the treasury belonging to said fund, to aid in the construction of a good and substantial bridge across the waters of the outlet of Fish Lake, at or near where the line of the state road from Minneapolis to St. Cloud across said stream or outlet.

SEC. 2. The said bridge shall be constructed under the direction of the board of county commissioners, and no part of said appropriation shall be paid out of the state treasury until the bridge is completed and ready for travel, nor until a sum at least equal to this grant has been expended by the said county of Wright on said bridge.

SEC. 3. That the governor shall appoint three persons citizens of Wright county to view said bridge when completed, and examine all contracts, vouchers and accounts respecting the construction and cost thereof, and when they shall become satisfied that said sum has been properly and judicially expended, shall certify the same to the state auditor, whereupon the state auditor shall draw his order in favor of said county of Wright on the state treasurer for any moneys belonging to the internal improvement fund for the said three hundred dollars, the state treasurer shall pay over such money to the county treasurer of Wright county upon said order, and such money shall be paid out by the county treasurer upon the order or orders of the county commissioners.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER CLXV.

AN ACT TO APPROPRIATE MONEY TO BUILD A BRIDGE ACROSS THE CHIPPEWA RIVER, IN THE COUNTY OF DOUGLAS.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the sum of two thousand [hundred] dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury belonging to the internal improvement

fund, or out of the first moneys which shall come into the treasury belonging to said fund, not already appropriated, for the building of a substantial bridge across the Chippewa river on the line between sections twenty-two and twenty three, town one hundred and thirty, and range thirty-nine, on mail road from Brandon to Otter Tail City, and to assist in repairing the approaches to said bridge, and said bridge when built shall be kept in repair by the town in which it is built, and shall be forever free from toll.

SEC. 2. That said bridge shall be built under the direction of John A. Miller, Martin Stowe and T. C. Nichols, of Douglas county, who are hereby appointed commissioners for that purpose, and no part of said appropriation shall be paid out of the state treasury until said bridge shall be completed and ready for travel.

SEC. 3. Thos. [That] L. K. Acker, Robert Angus and Samuel Thompson, of Douglas county, are hereby appointed a committee on the part of the state to view said bridge and examine all contracts and vouchers and accounts, respecting its construction and cost thereof, and make a report of such cost to the state auditor, and any two of said committee may act in the premises.

SEC. 4. That upon the receipt of said report by the state auditor he shall, upon the demand of said commissioners, draw his order or orders in favor of said commissioners on the state treasurer for money belonging to the said fund for the cost of said bridge as reported by said committee, in case the same does not exceed the sum of two hundred dollars, and any sum over that amount shall be paid by the town in which said bridge is built, and the state treasurer shall pay over such money to said commissioners to pay the cost of said bridge and improvement.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER CLXVI.

AN ACT TO PROVIDE FOR LAYING OUT A STATE ROAD FROM PARKER'S PRAIRIE, IN OTTER TAIL COUNTY, TO WADENA, IN WADENA COUNTY, AND TO APPROPRIATE MONEY FOR THE SAME.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That David Turner and G. A. Linquist of Otter Tail county and S. S. Gardner of the county of Wadena, in the state of Minnesota, are hereby appointed commissioners to survey, locate and establish a state road, from some point to be selected by them in the town of Parker's Prairie in the county of Otter Tail, and state aforesaid, running thence through the counties of Otter Tail, Todd and Wadena; *Provided*, That the owners of the land lying between Parker's Prairie township in the county of Otter Tail and Wadena in the county of Wadena, shall file with the county auditors of the county auditors of the counties Otter Tail, Todd and Wadena a release of the right of way for said road over said land; *And Provided further*, That the counties of Otter Tail, Todd, Wadena shall not be liable for any expense for right of way.

SEC. 2. That said commissioners shall meet at such time and place convenient to them, as they may select, and proceed to discharge the duties imposed upon them by this act; *Provided*, That if either of said commissioners shall be unable to discharge the duties aforesaid the others shall have the power to substitute some person to act in his place, and such action by such substitute shall have the same effect as if he were appointed commissioner by this act.

SEC. 3. That said commissioners are hereby authorized to employ a surveyor, axeman and chainman, and it shall be their duty, to cause said road to be accurately surveyed and platted, and file a copy thereof in the office of the county auditor of each county through or into which said road may pass, to assess the damages and to secure a release of the right of way to said road.

SEC. 4. That the expenses of viewing, locating said road shall be paid by said counties according to the distance of said road located in the counties respectively. *Provided*, That said commissioners shall not receive more than three dollars per day, and the axeman and chainman not more than one dollar and fifty cents per day each.

SEC. 5. The said commissioners shall at the time of locating the said road appraise the damages or compensation to be paid to each person through whose land the same shall pass, and shall file in the office of the county auditor of each county a statement of such appraisals of damages for lands therein taken for said road at the time when they shall file the survey and plat of the same in said auditor's office, and upon the filing of said survey, plats and appraisals in the offices of said county auditors, the said road shall be deemed established, and said damages or compensation shall be deemed secured and the amount of such appraisal in each county shall be levied upon the taxable property of said county and be entered and extended on the tax roll thereof next

thereafter to be made, and the amount of each appraisal shall be paid to the person or persons entitled thereto.

SEC. 6. Any person deeming himself or herself aggrieved by such appraisal of his or her compensation may appeal therefrom to the district court of the county in which such lands are situated by serving a notice of such appeal upon the county attorney of said county and filing in the office of the county auditor of said county a copy of said notice of appeal with proof of service thereof on the county attorney. The county auditor shall certify a copy of the appraisal appealed from the district court within ten days after filing the notice of appeal in his office. Such appeal shall be taken within thirty days after the filing of the appraisal in the office of the county auditor.

SEC. 7. There is hereby appropriated out of the internal improvement fund the sum of seven hundred dollars, to assist the county of Otter Tail in building the bridge across the forks of Wings Rivers in said county.

SEC. 8. The money appropriated by this act shall be expended by the said commissioners in the erection and completion of a bridge across each and both of the forks of Wing River on the line of said proposed road in the county of Otter Tail; *Provided*, That if any of the said sum of seven hundred dollars remains after the erection and completion of said bridges, the same shall be expended on said road in such manner and at such place as said commissioners shall direct.

SEC. 9. That James Kasson and H. L. Veils [Veits,] of Otter Tail county, and S. L. Pratt of Wadena county, are hereby appointed a committee on the part of the state to examine all contracts, vouchers and accounts respecting the expenditure of said money, and make report of the same to the state auditor, any two of said committee shall have power to act in the premises.

SEC. 10. Upon the receipt of said report of the state auditor he shall upon demand of the said committee draw his warrant or warrants in favor of said committee upon the state treasurer for the expense of building bridges aforesaid, not to exceed the sum of seven hundred dollars.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER CLXIX.

AN ACT TO APPROPRIATE MONEY TO BUILD A BRIDGE ACROSS OTTER TAIL RIVER, IN OTTER TAIL COUNTY.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the sum of three hundred dollars, or so much thereof as may be necessary is hereby appropriated out of any moneys in the treasury belonging to the internal improvement fund or out of the first moneys which shall come into the treasury belonging to said fund to build a substantial bridge across Otter Tail river, upon the road between Perham and Hobart, in the county of Otter Tail, and said bridge when erected shall be kept in repair by the said county of Otter Tail, and forever free from toll.

SEC. 2. This bridge shall be built under direction of the board of county commissioners of said county of Otter Tail, and no part of said appropriation shall be paid out of the state treasury, until said bridge shall be completed and ready for travel.

SEC. 3. That D. S. Wellman, Seward Ashley and Martin Fidler are hereby appointed a committee on the part of the state to view said bridge when completed, and examine all contracts, vouchers and accounts respecting its construction, and the cost thereof, and to ascertain and fix the cost of building said bridge, and make a report of such to the state auditor, any two of said committee may act in the premises, and in case any two of said committee cannot be found to act, the county auditor of said county of Otter Tail shall notify the governor of the state of Minnesota of such fact, who shall by appointment fill any vacancy that may exist in said committee.

SEC. 4. That upon receipt of said report by the state auditor he shall upon the demand of the county treasurer for moneys belonging to said funds, for the cost of said bridge, as reported by said committee in case the same does not exceed the sum of three hundred dollars and the state treasurer shall pay over such moneys to the county treasurer of said Otter Tail county upon said order, and

such moneys shall be distributed by said county treasurer, upon the orders of aid board of county commissioners in payment of the cost of said bridge.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER CLXX.

AN ACT TO APPROPRIATE MONEY TO AID THE COUNTY OF CARLTON AT THE TOWN OF THOMSON, TO BUILD A BRIDGE ACROSS THE SAINT LOUIS RIVER.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the sum of one thousand dollars or so much thereof as may be necessary is hereby appropriated out of any moneys in the state treasury belonging to the internal improvement fund, or out of the first moneys which shall come into the treasury belonging to said fund not already appropriated for the building of a substantial bridge across the Saint Louis river at Thomson, the county seat of Carlton county. Said bridge when erected shall be kept in repair by the said county of Carlton and be forever free from tolls.

SEC. 2. That said bridge shall be built under the direction of the board of county commissioners of said Carlton county, and no part of said appropriation shall be paid out of the state treasury until said bridge shall be complete and ready for travel.

SEC. 3. That James M. Paine, C. F. Ledarid and Job Jones are hereby appointed a committee on the part of the state to locate and view said bridge when complete, and examine all contracts, vouchers and accounts respecting its construction and the cost thereof, and to ascertain and fix the cost of building said bridge and make report of such cost to the state auditor. Any two of said committee may act in the premises and in case any two of said committee cannot be found to act, the county auditor of said Carlton county shall notify the governor of the state of Minnesota of such fact, who shall by appointment, fill any vacancy that may exist in said committee.

SEC. 4. That upon the receipt of said report by the state audi-

tor he shall upon demand of the county treasurer for money belonging to said funds for the cost of said bridge as reported by said committee, in case the same does not exceed the sum of one thousand dollars, and the state treasurer shall pay over said moneys to the county treasurer of said Carlton county upon said order, and said moneys shall be distributed by said county treasurer upon the order of said board of county commissioners, in payment of the cost of said bridge.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER CLXXI.

AN ACT TO APPROPRIATE MONEY TO BUILD A BRIDGE ACROSS THE SOUTH BRANCH OF CROW RIVER, IN MEEKER COUNTY.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the sum of five hundred dollars or as much thereof as may be necessary is hereby appropriated out of any moneys in the state treasury belonging to the internal improvement fund or out of the first moneys which shall come into the treasury belonging to said fund not already appropriated, to build a substantial bridge across the south branch of Crow river in Meeker county, and said bridge when completed shall be kept in repair by said country [county,] and be forever free from toll.

SEC. 2. Said bridge shall be built under the direction of the board of county commissioners of the county of Meeker, and no part of said appropriation shall be paid out of the state treasury until said bridge is completed and ready for travel.

SEC. 3. That the governor shall appoint three persons, citizens of Meeker county, as a committee on the part of the state to view said bridge when completed, and examine contracts, vouchers and accounts respecting its construction and the cost thereof, and make a report of such cost to the state auditor.

SEC. 4. That upon the receipt of said report by the state auditor he shall draw his order in favor of said county of Meeker on the state treasurer for any money belonging to the internal improve-

ment fund for the cost of said bridge, not to exceed five hundred dollars. The state treasurer shall pay over such money to the county treasurer of Meeker county upon said order or orders, and such money shall be paid out by the county treasurer upon the order of the board of county commissioners in payment of the cost of said bridge.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER CLXXII.

AN ACT TO AMEND SECTION ONE OF CHAPTER ONE HUNDRED AND TWENTY-THREE, OF THE SPECIAL LAWS OF EIGHTEEN HUNDRED AND SEVENTY-THREE, ENTITLED "AN ACT TO APPROPRIATE MONEY IN AID OF BUILDING A ROAD TO PIGEON RIVER, MINNESOTA.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That section one of chapter one hundred and twenty-three of the special laws of eighteen hundred and seventy-three, be and the same is hereby amended by striking out the words "that the provisions of said chapter forty of the general laws of eighteen hundred and seventy-two, have been complied with, and inserting in place thereof the words "that the provisions of sections one, two, three and four of chapter forty of the general laws of eighteen hundred and seventy-two, have been complied with."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER CLXXIII.

AN ACT TO APPROPRIATE MONEY TO AID THE COUNTIES OF STEARNS AND MORRISON TO BUILD BRIDGES ACROSS THE SPUNK BROOK AND THE SOUTH BRANCH OF TWO RIVERS.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the sum of four hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury belonging to the internal improvement fund, or out of the first moneys that shall come into the treasury belonging to said fund not already appropriated, to aid in the building of substantial bridges across the Spunk Brook, and the south branch of Two Rivers, at such crossing of said rivers as the county commissioners of Stearns and Morrison counties, or a majority of them may designate. *Provided*, That it shall be the duty of said county commissioners to build and locate said bridges across the aforesaid rivers, or as near as practicable at such points as will best accommodate a public road commencing at or near the point where the line dividing the counties of Stearns and Morrison intersects the Mississippi river on the west bank thereof and running thence west on said county line, dividing said counties, a distance of ten miles.

SEC. 2. That said bridge[s] shall be built under the direction of the county commissioners of Stearns and Morrison counties, and no part of said appropriation shall be paid out of the state treasury till said bridges are completed and ready for travel.

SEC. 3. That John Schulties, Richard Trask and J. Y. Demeritt, of the counties of Stearns and Morrison, are hereby appointed a committee on the part of the state to build [view] said bridges when completed, and examine all contracts, vouchers and accounts respecting the construction and cost thereof, and to ascertain, compute and fix upon the cost of building said bridges, and make report of such cost to the state auditor. Any two of said committee may act in the premises.

SEC. 4. That upon receipt of said report by the state auditor, he shall, upon demand of the treasurer of Stearns county, draw his order or orders in favor of said county treasurer, on the state treasurer for moneys belonging to said fund to the amount of the cost of the bridges as reported by said committee, but not to exceed four

hundred dollars, and the state treasurer [shall pay over such moneys] to said county treasurer, upon said orders, and such moneys shall be disbursed by said county treasurer upon the orders of the said county commissioners, said county commissioners as aforesaid, to pay off the cost of the construction of said bridges.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER CLXXIV.

AN ACT TO APPROPRIATE MONEY TO BUILD A BRIDGE ACROSS THREE MILE CREEK, NEAR MARSHAL, LYON COUNTY.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the sum of one hundred and fifty dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury belonging to the internal improvement fund or out of the first money which may come into the treasury belonging to said fund, to build a bridge across "Three Mile creek" near Marshall, in Lyon county, at such crossing of said stream as the commissioners of said county or a majority of them may designate.

SEC. 2. That said bridge shall be built under the direction of the board of county commissioners of said Lyon county, and no part of said appropriation shall be paid until said bridge is completed and ready for use.

SEC. 3. That J. W. Blake, Charles H. Whitney and Jesse Bagley of said county, are hereby appointed a committee on the part of the state to view said bridge when completed, and examine all contracts, vouchers and accounts relating thereto and the cost thereof, and to ascertain the cost of building said bridge, and make a report of such cost to the state auditor, that any two of said committee may act, and in case two of said committee cannot be found to act, the county auditor of Lyon county shall notify the governor of the state of the facts, who shall by appointment fill any vacancy in said committee.

SEC. 4. That upon the receipt of said report by the state audi-

tor, he shall upon the demand of the treasurer of Lyon county draw his order or orders in favor of said county treasurer on the state treasurer for moneys belonging to said fund for cost of said bridge as reported by said committee, in amount not to exceed one hundred and fifty-dollars; *Provided*, That in case the cost of said bridge shall exceed one hundred and fifty dollars, all such excess shall have been paid by the said town of Marshall, and the payment of same certified to by said committee, and the state treasurer shall pay over such moneys to the treasurer of Lyon county upon such order or orders, and such moneys shall be distributed by said county treasurer upon the orders of said board of county commissioners in payment of the cost of said bridge.

SEC. 5. That the said bridge when erected shall be kept in repair by said county of Lyon, and free from tolls.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

STATE OF MINNESOTA,
OFFICE OF THE SECRETARY OF STATE,
ST. PAUL, June 23, 1874. }

I hereby certify that the foregoing laws have been carefully compared with the originals on file in this office, and that the same are true and correct copies thereof.

S. P. JENNISON,
Secretary of State.

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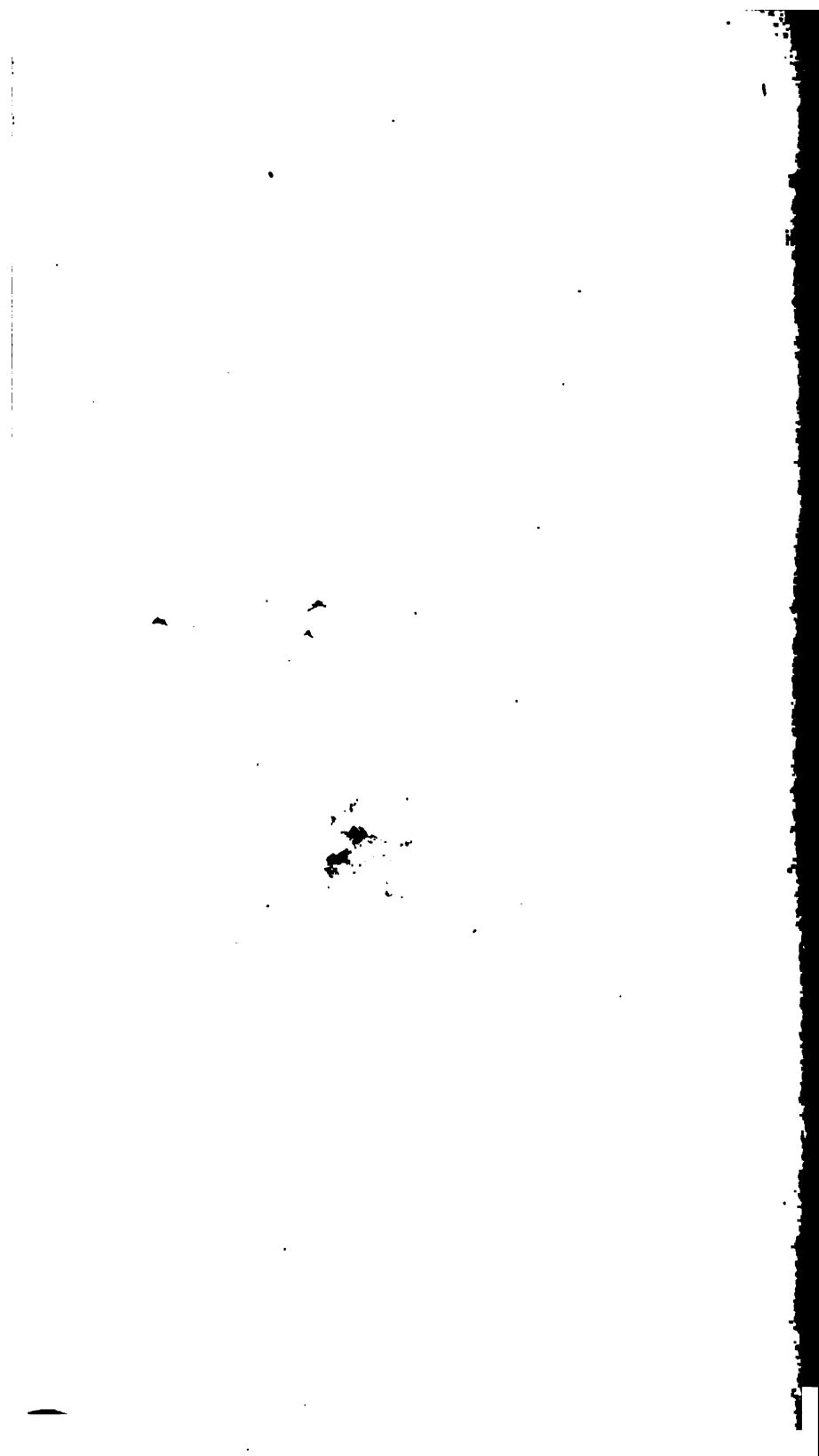
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GENERAL LAWS

OF THE

STATE OF MINNESOTA,

PASSED DURING THE

SIXTEENTH SESSION OF THE STATE LEGISLATURE,

COMMENCING JANUARY SIXTH, ONE THOUSAND EIGHT HUNDRED AND
SEVENTY-FOUR, AND TERMINATING MARCH SIXTH, ONE
THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

7,000 COPIES ORDERED PRINTED.

SAINT PAUL:
SAINT PAUL PRESS COMPANY.
1874.

YRABBU GORWATZ

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AMENDMENT TO SECTION TWELVE OF ARTICLE NINE OF THE CONSTITUTION OF THE STATE.

Sec. 12. Suitable laws shall be passed by the legislature for the safe-keeping, transfer and disbursement of the state and school funds, and all officers and other persons charged with the same or any part of the same, or the safe-keeping thereof, shall be required to give ample security for all moneys and funds of any kind received by them, to make forthwith and keep an accurate entry of each sum received and of each payment and transfer; and if any of said officers or other persons shall convert to his own use in any manner or form, or shall loan with or without interest, or shall deposit in his own name or otherwise than in the name of the state of Minnesota, or shall deposit in banks or with any person or persons, or exchange for [other] funds or property, any portion of the funds of the state or of the school funds aforesaid, except in the manner prescribed by law, every such act shall be and constitute an embezzlement of so much of the aforesaid state and school funds, or either of the same as shall be thus taken, or loaned, or deposited, or exchanged, and shall be a felony; and any failure to pay over or produce, or account for, the state or school funds, or any part of the same entrusted to such officer or person as by law required on demand, shall be held and taken to be prima facie evidence of such embezzlement.

Concerning the safe keeping of the public funds

[Adopted Nov. 4, 1873. For amendment, 27,143; against amendment, 5,438.]

1

GENERAL LAWS

OF

MINNESOTA.

PASSED AND APPROVED AT THE SIXTEENTH SESSION OF THE STATE LEGISLATURE, COMMENCING JANUARY SIXTH, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR, AND TERMINATING MARCH SIXTH, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

CHAPTER I.

AN ACT TO PROVIDE FOR THE ASSESSMENT AND COLLECTION OF TAXES.

1874
74 c 1
99-M - 387
109-NW 821

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. All real property in this State, and all personal property of persons residing herein, the property of corporations now existing or hereafter created, and the property of all banks or banking companies now existing or hereafter created, and of all bankers, except such as is hereinafter expressly exempted, is subject to taxation, and such property, or the value thereof, shall be entered in the list of taxable property for that purpose, in the manner prescribed by this act; *Provided*, That railroad, insurance, and telegraph companies shall be taxed in such manner as now is or may be hereafter fixed by law.

SEC. 2. Real property, for the purposes of taxation, shall be construed to include the land itself, whether laid out in town lots or otherwise, and all buildings, structures and improvements, trees or other fixtures, of whatsoever kind thereon, and all rights and privileges belonging or in anywise appertaining thereto, and all mines, minerals, quarries and fossils in and under the same.

SEC. 3. Personal property shall, for the purposes of

Personal property. 1

taxation, be construed to include all goods, chattels, moneys, credits and effects, wheresoever they may be; all ships, boats and vessels belonging to inhabitants of this state, whether at home or abroad, and all capital invested therein; all moneys at interest, either within or without this state, due the person to be taxed more than he pays interest for, and all other debts due such persons more than their indebtedness; all public stocks and securities, all stock in turnpikes, railroads, canals, and other corporations (except national banks) out of the state, owned by inhabitants of this state; all personal estate of monied corporations, whether the owners thereof reside in or out of this state, and the income of any annuity, unless the capital of such annuity be taxed within the state; all shares of stock in any bank organized, or that may be organized under any law of the United States; and all improvements made by persons upon lands held by them under the homestead laws of the United States, the fee of which lands is still vested in the United States, and all such improvements upon lands the title to which is still vested in the state of Minnesota, or in any railroad company, or any other corporation whose property is not subject to the same mode and rule of taxation as other property.

The meaning of certain terms.

SEC. 4. The term "money" or "moneys," wherever used in this act, shall be held to mean gold and silver coin and bank notes, and every deposit which any person owning the same, or holding in trust, and residing in this state, is entitled to withdraw in money on demand. The term "credits," wherever used in this act, shall be held to mean and include every claim and demand for money or other valuable thing, and every annuity or sum of money receivable at stated periods, due or to become due, and all claims and demands secured by deed or mortgage, due or to become due. The terms "tract" or "lot," and "piece" or "parcel of real property," and "piece or parcel of land," wherever used in this act, shall each be held to mean any contiguous quantity of land in the possession of, owned by, or recorded as the property of the same claimant, person or company. Every word importing the singular number only, may extend to and embrace the plural number, and every word importing the plural number may be applied and limited to the singular number, and every word importing the masculine gender only, may be extended and applied to females

as well as males. Wherever the word "oath" is used in this act, it shall be held to mean affirmation; and the word "swear," in this act may be held to mean affirm. The words "town" or "district," wherever used in this act, shall be construed to mean township, village, city or ward, as the case may be. The term "true and full value," wherever used in this act, shall be held to mean the usual selling price at the place where the property to which the term is applied shall be at the time of assessment, being the price which could be obtained therefor at private sale, and not at forced or auction sale. The term "person," wherever used in this act, shall be construed to include firm, company, or corporation.

SEC. 5. All property described in this section, to the extent herein limited, shall be exempt from taxation, that is to say:

First.—Public school houses and houses used exclusively for public worship, the books and furniture therein, and the grounds attached to such buildings, necessary for the proper occupancy, use and enjoyment of the same, and not leased or otherwise used with a view to profit; all public colleges, public academies, all buildings connected with the same, and all lands connected with public institutions of learning, not used with a view to profit. This provision shall not extend to leasehold estates of real property held under the authority of any college or university of learning in this state.

Classes of property exempt

Second.—All lands used exclusively for grave yards, or grounds for burying the dead, except such as are held by any person, company or corporation, with a view to profit, or for the purpose of speculation in the sale thereof.

Third.—All property, whether real or personal, belonging exclusively to the state, or to the United States.

Fourth.—All buildings belonging to counties used for holding courts, for jails, for county offices, with the ground, not exceeding in any county ten acres, on which such buildings are erected.

Fifth.—All lands, houses, and other buildings belonging to any county, township, or town, used exclusively for the accommodation or support of the poor.

Sixth.—All buildings belonging to institutions of purely public charity, together with the land actually occupied by such institutions, not leased or otherwise used with a view to profit, and all moneys and credits appropriated solely to sustaining and belonging exclusively to such

institutions; and all lands owned and occupied by agricultural societies, not leased, or used with a view to profit, not exceeding eighty acres.

Seventh.—All fire engines and other implements used for the extinguishment of fires, with the buildings used exclusively for the safe keeping thereof, and for the meeting of fire companies, whether belonging to any town, or to any fire company organized therein.

Eighth.—All market houses, public squares, or other public grounds, town or township houses or halls, used exclusively for public purposes, and all works, machinery, or fixtures belonging to any town and used exclusively for conveying water to such town.

Ninth.—All public libraries, and real and personal property belonging to or connected with the same.

Tenth.—The personal property of each individual liable to assessment and taxation under the provisions of this act, of which such individual is the actual and bona-fide owner, to an amount not exceeding one hundred dollars in value; *Provided*, That each person shall list all of his personal property for taxation, and the county auditor shall deduct the amount exempt [of the exemption authorized] by this section [from the total amount of his assessment,] and levy taxes upon the remainder.

Personal property, when listed.

SEC. 6. Personal property shall be listed for taxation between the first Monday in May and the fourth Monday in June of each year, when required by the assessor, with reference to the quantity held or owned on the first day of May in the year for which the property is required to be listed. Personal property purchased or acquired on the first day of May shall be listed by or for the person purchasing or acquiring it.

Manner of listing personal property.

SEC. 7. Personal property shall be listed in the manner following:

First.—Every person of full age and sound mind, being a resident of this state, shall list all his moneys, credits, bonds or stock, shares of stock of joint stock or other companies (when the property of such company is not assessed in this state,) moneys loaned or invested, annuities, franchises, royalties, and other personal property.

Second.—He shall also list all moneys and other personal property invested, loaned, or otherwise controlled by him as the agent or attorney, or on account of any other person or persons, company or corporation whatsoever, and all moneys deposited subject to his order, check,

or draft, and credits due from or owing by any person or persons, body corporate or politic.

Third.—The property of a minor child shall be listed by his guardian, or by the person having such property in charge.

Fourth.—The property of an idiot or lunatic, by the person having charge of such property.

Fifth.—The property of a wife, by her husband, if of sound mind; if not, by herself.

Sixth.—The property of a person for whose benefit it is held in trust, by the trustee; of the estate of a deceased person, by the executor or administrator.

Seventh.—The property of corporations whose assets are in the hands of receivers, by such receivers.

Eighth.—The property of a body politic or corporate, by the president or proper agent or officer thereof.

Ninth.—The property of a firm or company, by a partner or agent thereof.

Tenth.—The property of manufacturers and others in the hands of an agent, by such agent in the name of his principal as merchandise.

SEC. 8. Personal property, except such as is required in this act to be listed and assessed otherwise, shall be listed and assessed in the county, town or district where the owner resides. The capital stock and franchises of corporations and persons, except as may be otherwise provided, shall be listed and taxed in the county, town or district where the principal office or place of business of such corporation or person is located in this state; if there be no principal office or place of business in this state, then at the place in this state where any such corporation or person transacts business.

Personal property, where listed.

SEC. 9. When the owner of live stock, or other personal property connected with a farm, does not reside thereon, the same shall be listed and assessed in the town or district where the farm is situated. *Provided*, If the farm is situated in several towns or districts, it shall be listed and assessed in the town or district in which the principal place of business of such farm may be.

Assessment of non-residents' farm property.

SEC. 10. The property of manufacturers and others, in the hands of agents, shall be listed and assessed at the place where the business of such agent is carried on.

Of business property in agents' hands.

SEC. 11. The stock of nurseries, growing or otherwise, in the hands of nurserymen, shall be listed and assessed as merchandise.

Of stock of nurseries.

Of banks, hotels, companies, etc.

SEC. 12. Personal property of banks or bankers, brokers, stock-jobbers, hotels, livery stables, saloons, eating houses, merchants and manufacturers, ferries, mining companies, and all other companies not specially provided for in this act, shall be listed and assessed in the county, town, or district where their business is carried on, except such property as shall be liable to assessment elsewhere in the hands of agents. All persons, companies and corporations in this state, owning steamboats, sailing vessels, wharf-boats, barges, and other water craft, shall be required to list the same for assessment and taxation, in the county, town or district in which the same may belong, or be enrolled, registered or licensed, or kept when not enrolled, registered or licensed.

Of steamboats, vessels, etc.

Of gas and water companies.

SEC. 13. The personal property of gas and water companies shall be listed and assessed in the town or district where the principal works are located. Gas and water mains and pipes laid in roads, streets or alleys, shall be held to be personal property.

Of street railroad and other road and bridge companies.

SEC. 14. The personal property of street railroad, plank road, gravel road, turnpike or bridge companies, shall be listed and assessed in the county, town or district where the principal place of business is located, and the track, road or bridge shall be held to be personal property.

Of stage companies.

SEC. 15. The horses, stages and other personal property of stage companies, or persons operating stage lines, shall be listed and assessed in the county, town or district where they are usually kept.

Of express and transportation companies.

SEC. 16. The personal property of express or transportation companies shall be listed and assessed in the county, town or district where the same is usually kept.

Property consigned for storage or forwarding not to be listed.

SEC. 17. No consignee shall be required to list for taxation the value of any property consigned to him for the sole purpose of being stored or forwarded.

Property when listed on behalf of others.

SEC. 18. Persons required to list property on behalf of others, shall list it in the same place in which they are required to list their own, but they shall list it separately from their own, specifying in each case the name of the person, estate, company or corporation to whom it belongs.

Property of persons removing to another district, or into this state, between May 1st and July 1st.

SEC. 19. The owner of personal property removing from one county, town or district to another, between the first day of May and the first day of July, shall be assessed in either in which he is first called upon by the

assessor. The owner of personal property moving into this state from another state, between the first day of May and the first day of July, shall list the property owned by him on the first day of May of such year in the county, town or district in which he resides; *Provided*, If such person has been assessed, and can make it appear to the assessor that he is held for tax of the current year on the property in another state, county, town or district, he shall not be again assessed for such year.

SEC. 20. In all questions that may arise under this act as to the proper place to list personal property, or where the same cannot be listed as stated in this act, if between several places in the same county, the place for listing and assessing shall be determined and fixed by the county board; and when between different counties or places in different counties, by the auditor of state; and when fixed in either case, shall be as binding as if fixed by this act.

County board, or state auditor to decide place of listing, when in doubt.

SEC. 21. Each person required by this act to list property shall make out and deliver to the assessor, when required, or within ten days thereafter, a statement, verified by his oath, of all the personal property in his possession or under his control, and which, by the provisions of this act, he is required to list for taxation, either as owner or holder thereof, or as guardian, parent, husband, trustee, executor, administrator, receiver, accounting officer, partner, agent or factor; *Provided*, That no person shall be required to list a greater portion of his credits than he believes will be received or can be collected; or to include in his statement, as a part of his personal property which he is required to list, any share or portion of the capital stock or property of any company or corporation which he is [which is] required to list or return its capital and property for taxation in this state.

Persons to list when required, or within ten days thereafter.

Credits not collectable, and stock of companies otherwise taxed, not to be listed.

SEC. 22. Such statement shall truly and distinctly set forth:

First.—The number of horses under three years old, [and three years old] and over, and the value thereof.

What the listing statement shall set forth.

Second.—The number of cattle under two years old: the number of cows two years old and over; the number of all other cattle two years old and over, and the value thereof.

Third.—The number of mules and asses of all ages, and the value thereof.

Fourth.—The number of sheep of all ages, and the value thereof.

Fifth.—The number of hogs of all ages, and the value thereof.

Sixth.—The value of agricultural tools, implements and machinery.

What the listing statement shall set forth.

Seventh.—Every carriage and wagon of whatsoever kind and the value thereof.

Eighth.—Every sewing and knitting machine, and the value thereof.

Ninth.—Every watch and clock, and the value thereof.

Tenth.—Every melodeon and organ, and the value thereof.

Eleventh.—Every piano forte, and the value thereof.

Twelfth.—The value of household or office furniture and property.

Thirteenth.—The value of gold and silver plate and plated ware.

Fourteenth.—The value of diamonds and jewelry.

Fifteenth.—Every franchise, the description and the value thereof.

Sixteenth.—Every annuity and royalty, the description and the value thereof.

Seventeenth.—Every steamboat, sailing vessel, wharf boat, barge or other water craft, and the value thereof.

Eighteenth.—The value of the goods and merchandise which such person is required to list as a merchant.

Nineteenth.—The value of the materials and manufactured articles which such person is required to list as a manufacturer.

Twentieth.—The value of manufacturers' tools, implements and machinery (other than boilers and engines, which shall be listed as such.)

Twenty-first.—Every steam engine, including boilers, and the value thereof.

Twenty-second.—The amount of moneys of bank, banker, broker or stock jobber.

Twenty-third.—The amount of credits of bank, banker, broker or stock jobber.

Twenty-fourth.—The amount of moneys other than of bank, banker, broker or stock jobber.

Twenty-fifth.—The amount of credits other than of bank, banker, broker or stock jobber.

Twenty-sixth.—The amount and value of bonds or stocks.

Twenty-seventh.—The amount and value of shares of capital stock of companies and associations, not incorporated by the laws of this state.

Twenty-eighth.—The value of property of companies and corporations other than property hereinbefore enumerated.

Twenty-ninth.—The value of stock and furniture of saloons and eating houses.

Thirtieth.—Every billiard, pigeon-hole, bagatelle or other similar tables, and the value thereof.

Thirty-first.—The value of all other property required to be listed.

SEC. 23. Whenever the assessor shall be of opinion that the person listing property for himself, or for any other person, company or corporation, has not made a full, fair and complete list of such property, he may examine such person under oath, in regard to the amount of the property he is required to list; and if such person shall refuse to answer under oath, and a full discovery make, the assessor may list the property of such person or his principal, according to his best judgment and information.

Assessor may examine persons under oath, and in case of refusal to answer may himself list property.

SEC. 24. In all cases where deductions are claimed from credits, the assessor shall require that such deductions be verified by the oath of the person, officer or agent claiming the same, and any such person, officer or agent knowingly or willfully making a fraudulent statement of such deductions claimed, so verified by affidavit, shall be liable to a fine of not less than one hundred dollars, nor more than one thousand dollars, in addition to all damages sustained by the state, county, or other local corporations, to be recovered in any proper form of action in any court of competent jurisdiction, in the name of the state of Minnesota. Such fines, when recovered, shall be paid into the county treasury; and the damages, when collected, shall be paid to whom they belong. The assessor shall preserve the statement of the deductions thus claimed, so verified by affidavit, and when he returns the assessment books, shall file the same with the county auditor, to be kept on file in his office for two years.

Deductions to be verified. Penalty for fraudulent statement.

SEC. 25. No person, company, or corporation shall be entitled to any deduction on account of any bond, note, or obligation of any kind, given to any mutual insurance company, nor on account of any unpaid subscription to, any religious, literary, scientific, or charitable institution or society, nor on account of any subscription to, or installment payable on, the capital stock of any company, whether incorporated or unincorporated.

No deduction, when.

Persons held to
be merchants.

Listing of mer-
chants' property.

SEC. 26. Whoever owns or has in his possession or subject to his control, any goods, merchandise, produce or other personal property within this state, with authority to sell the same, which has been purchased either in or out of this state, with a view to being sold at an advanced price or profit, or which has been consigned to him, from any place out of this state, for the purpose of being sold at any place within this state, shall be held to be a merchant; and when he is by this act required to make out and deliver to the assessor a statement of his other personal property, he shall state the value of such property pertaining to his business as a merchant, and in estimating the value thereof, he shall take as a criterion the average value of all such articles of personal property as he had from time to time in his possession, or under his control during the year next previous to the time of making such statement, if so long he has been engaged in business, and if not, then during such time as he has been so engaged, and the average shall be made up by taking the amount in value on hand, as nearly as may be, in each month of the preceding year in which the person making such statement has been engaged in business, adding together such amounts, and dividing the aggregate amount thereof by the number of months the person making such statement may have been in business during the preceding year; but no consignee shall be required to list for taxation the value of any property, the product of this state, nor the value of any property consigned to him from any other place for the sole purpose of being stored or forwarded; *Provided*, He has in either case no interest in such property, or any profit to be derived from its sale.

Persons held to
be manufacturers

Listing of manu-
facturers' prop-
erty.

SEC. 27. Every person who purchases, receives or holds personal property of any description, for the purpose of adding to the value thereof by any process of manufacturing, refining, rectifying, or by the combination of different materials, with a view of making gain or profit by so doing, shall be held to be a manufacturer; and he shall, when required to make and deliver to the assessor a statement of the amount of his other personal property subject to taxation, also include in his statement the average value, estimated as provided in the preceding section, of all articles purchased, received or otherwise held, for the purpose of being used in whole or in part, in any process or operation of manufacturing, combining, rectifying or refining which from time to time he has had on

hand during the year next previous to the time of making such statement, if so long he has been engaged in such manufacturing business; and if not, then during the time he has been so engaged. Every person owning a manufacturing establishment of any kind, and every manufacturer, shall list as part of his manufacturer's stock, the value of all engines and machinery of every description, used or designed to be used in any process of refining or manufacturing (except such fixtures as have been considered as part of any parcel of real property,) including all tools and implements of every kind used, or designed to be used for the aforesaid purpose.

Sec. 28. The president, secretary or principal accounting officer of any company or association, whether incorporated, or unincorporated, except railroad, insurance and telegraph companies and banking corporations, whose taxation is specifically provided for in this act, shall make out and deliver to the assessor a sworn statement of the amount of its capital stock setting forth particularly—

Who shall list property of companies or associations.

First.—The name and location of the company or association.

Second.—The amount of capital stock authorized, and the number of shares into which such capital stock is divided.

Statement to set forth.

Third.—The amount of capital stock paid up.

Fourth.—The market value, or if they have no market value, then the actual value of the shares of stock.

Fifth.—The total amount of all indebtedness except the indebtedness for current expenses, excluding from such expenses the amount paid for the purchase or improvement of property.

Sixth.—The value of all its personal property.

Such list shall be made in conformity with the provisions of section twenty-two of this act, and such instructions and forms as may be prescribed by the auditor of state. In all cases of failure or refusal of any person, officer, company or association, to make such return or statement, it shall be the duty of the assessor to make such return or statement from the best information which he can obtain.

Such list, how made.

Every person owning or using a franchise or royalty granted by any law of this state, shall, in addition to his other property, list the same as personal property, giving the total value thereof.

Franchise or royalties to be listed.

Bankers',
brokers' and
stockjobbers'
statements to
show.

SEC. 29. Every bank, whether of issue or deposit, (other than a national bank,) banker, broker, or stockjobber, shall, at the time fixed by this act for listing personal property make out and furnish the assessor a sworn statement, showing—

First.—The amount of money on hand, or in transit.

Second.—The amount of funds in the hands of other banks, bankers, brokers, or others, subject to draft.

Third.—The amount of checks or other cash items, the amount thereof not being included in either of the preceding items.

Fourth.—The amount of bills receivable, discounted or purchased, and other credits due or to become due, including accounts receivable, and interest accrued but not due, and interest due and unpaid.

Fifth.—The amount of bonds and stocks of every kind, and shares of capital stock, of joint stock or other companies or corporations, held as an investment, or in any way representing assets.

Sixth.—All other property appertaining to said business, other than real estate (which real estate shall be listed and assessed as other real estate is listed and assessed under this act.

Seventh.—The amount of all deposits made with them by other parties.

Eighth.—The amount of all accounts payable, other than current deposit accounts.

Ninth.—The amount of bonds or other securities exempt by law from taxation, and the amount of shares of stock of any company or corporation which is required to list its capital for taxation, specifying the amount and kind of each, the same being included in the preceding fifth item.

The aggregate amount of the first, second and third items in said statement, shall be listed as money. The amount of the sixth item shall be listed the same as other similar personal property is listed under this act. The aggregate amount of the seventh and eighth items shall be deducted from the aggregate amount of the first, second, third and fourth items of said statement, and the amount of the remainder, if any, shall be listed as credits. The aggregate amount of the ninth item shall be deducted from the aggregate amount of the fifth item of such statement, and the remainder shall be listed as bonds or stocks.

SEC. 30. The stockholders in every bank located within this state, organized under the banking laws of the United States, shall be assessed and taxed on the value of their shares of stocks therein, in the county, town or district, where such bank or banking association is located, and not elsewhere, whether such stockholders reside in such place or not. Such shares shall be listed and assessed with regard to the ownership and value thereof, as they existed on the first day of May, annually, subject, however, to the restriction that taxation of such shares shall not be at a greater rate than is assessed upon any other capital or property in the hands of individual citizens of the state, in the county, town, district, village or city where such bank is located. The shares of capital stock of national banks not located in this state, held in this state, shall not be required to be listed under the provisions of this act.

Stockholders in banks organized under U.S. banking laws, where and how assessed

SEC. 31. In each such bank there shall be kept at all times a full and correct list of the names and residences of its stockholders and of the number of shares held by each, which list shall be subject to the inspection of the officers authorized to assess property for taxation; and it shall be the duty of the assessor to ascertain and report to the county auditor a correct list of the names and residences of all stockholders in any such bank, with the number and assessed value of all such shares held by each stockholder.

List of stockholders to be kept in each bank.

SEC. 32. The county auditor to whom such returns are made, shall enter the valuation of such shares in the tax list in the names of the respective owners of the same, and shall compute and extend taxes thereon, the same as against the valuation of other property in the same locality.

County auditor to enter valuation of shares with names of owners.

SEC. 33. The county treasurer and the officer or officers authorized to receive taxes from the county treasurer may, all or either of them, have an action to collect the tax assessed on any share or shares of bank stock from the avails of the sale of such share or shares; and the tax against such share or shares shall be and remain a lien thereon till the payment of said tax.

Action to collect tax on shares; tax to be a lien until paid.

SEC. 34. For the purpose of collecting such taxes, it shall be the duty of every such bank, or the managing officer or officers thereof, to retain so much of any dividend or dividends belonging to such stockholders, as shall be necessary to pay any taxes levied upon their

Part of dividend to be retained as security for payment of tax.

County treasurer
may sell the
share for non-
payment of tax.

shares of stock respectively, until it shall be made to appear to such bank or its officers that such taxes have been paid; and any officer of any such bank who shall pay over or authorize the paying over of any such dividend or dividends, or any portion thereof, contrary to the provisions of this section, shall thereby become liable for such tax; and if the said tax shall not be paid, the county treasurer where said bank is located, shall sell such share or shares to pay the same, like other personal property; and in case of sale, the provision of law in regard to the transfer of stock, when sold on execution, shall apply to such sale.

Penalty for com-
pany's failure to
list, or fraud in
listing.

SEC. 35. If any person, company or corporation, shall make a false or fraudulent list, schedule or statement, required by this act, or shall fail or refuse to deliver to the assessor, when called on for that purpose, a list of the taxable personal property which he is required to make under this act, he or it shall be liable to a penalty of not less than ten dollars nor more than two thousand dollars, to be recovered in any proper form of action, in the name of the "State of Minnesota," on the complaint of any person; such fine, when collected, to be paid into the county treasury.

Property of pri-
vate corporations
to be listed in the
name of corpo-
ration.

SEC. 36. All property of private corporations, except in the cases where some other provision is made by law, shall be assessed in the name of the corporation, in the town or district where the same shall be situated; and in collecting the same, all the personal property of such corporation shall be liable to be seized, wherever the same may be found in the county, and sold in the same manner as the property of individuals may be sold for taxes.

Real property to
be assessed to
owners.

SEC. 37. All real property in this state, subject to taxation under this act, including real estate becoming taxable for the first time, shall be assessed to the owners thereof, in the manner provided in this act, for the year one thousand eight hundred and seventy-four, and every second year thereafter; *Provided*, That no assessment of real property shall be considered as illegal by reason of the same not being listed or assessed in the name of the owner or owners thereof.

Property leased
or contracted to
be sold to be con-
sidered the prop-
erty of the holder

SEC. 38. Property held under a lease for a term of three or more years, or a contract for the purchase thereof, belonging to this state, or to any religious, scientific or benevolent society or institution, whether incorporated or unincorporated, or to any railroad company or other

corporation whose property is not taxed in the same manner as other property, and school or other state lands, shall be considered, for all purposes of taxation, as the property of the person so holding the same.

Sec. 39. *First.*—Each separate parcel of real property shall be valued at its true and full value in money, excluding the value of crops growing thereon. Real property, how valued.

Second.—In determining the true and full value of real or personal property, the assessor shall not adopt a lower or different standard of value, because the same is to serve as a basis of taxation, nor shall he adopt as a criterion of value the price for which said property would sell at auction, or at a forced sale, or in the aggregate with all the property in his district; but he shall value each tract or lot by itself, and at such sum or price as he believes the same to be fairly worth in money at the time such assessment is made.

Third.—In valuing any real property upon which there is a coal or other mine, or stone or other quarry, the same shall be valued at such a price, as such property, including the mine or quarry, would sell at a fair voluntary sale for cash.

Fourth.—Taxable leasehold estates shall be valued at such a price as they would bring at a fair, voluntary sale for cash.

Fifth.—Personal property of every description shall be valued at the true and full value thereof in money. Personal property, how valued.

Sixth.—Money, whether in possession or on deposit, shall be entered in the statement at the full amount thereof.

Seventh.—Every credit for a sum certain, payable either in money, property of any kind, labor or services, shall be valued at the full price of the same so payable; if for a specific article, or for a specified number or quantity of any article of property, or for a certain amount of labor, or for services of any kind, it shall be valued at the current price of such property, or for such labor or services, at the place where payable. Annuities or moneys receivable at stated periods, shall be valued at the price which the person listing the same believes them to be worth in money.

Sec. 40. The county auditor shall, on or before the last Saturday of April, one thousand eight hundred and seventy-four, and every second year thereafter, make up for the several towns or districts in his county, in books Assessment books to be prepared by county auditor, when and how.

to be provided for that purpose, the lists of lands and lots to be assessed for taxes. The county auditor shall enter in the proper column, opposite the respective tracts or lots, the name of the owners thereof, so far as he shall be able to ascertain the same. Said books shall contain columns in which may be shown the number of acres and the value thereof, and such other columns as may be required.

Books to correspond with assessment districts. When separate for cities, etc.

SEC. 41. The books for the assessment of property shall be made to correspond with the assessment districts. Separate books shall be made for the assessment of property and the collection of all taxes within the corporate limits of cities, towns and villages, if ordered by the county board.

Books when to be ready for assessors.

SEC. 42. The county auditor shall cause such assessment books, and all blanks necessary to be used by the assessor in the assessment of real and personal property, to be in readiness for delivery to the assessor on or before the last Saturday of April in each year.

Assessors when to meet at county auditor's office

SEC. 43. It shall be the duty of each town or district assessor to meet at the office of the county auditor on the last Saturday of April in each year, and receive the necessary books, blanks and plats or maps, necessary for the assessment of property.

Assessors to file bond and oath.

SEC. 44. Each person elected or appointed to the office of assessor shall, at or before the time of receiving the assessment books, file with the county auditor of his county his bond payable to the state of Minnesota, with at least one good freehold surety to be approved by the county auditor, in the penal sum of five hundred dollars, conditioned that he will diligently, faithfully and impartially perform all and singular the duties enjoined on him by this act; and he shall, moreover, take and subscribe on said bond an oath that he will, according to the best of his judgment, skill and ability, diligently, faithfully and impartially perform all the duties enjoined on him by this act; and if any person so elected or appointed fails to give bond, or fails to take an oath, as [is] required in this section, within the time prescribed, it shall be deemed a refusal to serve.

Assessor may appoint assistant.

SEC. 45. Any assessor who deems it necessary, to enable him to complete, within the time prescribed by this act, the listing and valuation of the property of his town or district, may, with the approbation of the county auditor, appoint some well qualified citizen of his town

or district to act as an assistant, and assign to him such portion of his district as he thinks proper, and each assistant so appointed shall, under the direction of the assessor, after giving bond and taking an oath as prescribed in this act, perform all the duties enjoined upon, vested in or imposed upon assessors by the provisions of this act.

SEC. 46. The assessor shall, in all cases, from the best sources of information within his reach, and according to the rules prescribed in this act for valuing real property, ascertain and determine as near as practicable, the true value of each separate tract of land appearing in the assessment book furnished him by the county auditor, and he shall set down, opposite each tract of land in such assessment book, the true value thereof so ascertained and determined, and he shall note, separately, the value of all houses, mills and other buildings which exceed one hundred dollars in value, on any such tract of land other than town lots, which shall be carried out as a part of the value of such tract, and he shall also enter in his assessment book the number of acres of arable or plow land, and the number of acres of wood and uncultivated land, as near as may be.

Assessor to ascertain and determine the true value of land.

SEC. 47. If the assessor discover any real property subject to taxation, which has not been listed to him by the county auditor, he shall list and assess such property.

Shall list real property not listed to him.

SEC. 48. The assessor shall annually, at the time of taking a list of personal property, also take a list of all real property situated in his township that has become subject to taxation since the last previous listing of property therein, with the value thereof estimated agreeably to the rules prescribed therefor by this act, and of all new buildings or other structures, whether completed or in process of construction, of any kind of over one hundred dollars in value, the value of which has not been previously added to or included in the valuation of the land on which such structures have been erected; and shall make return to the county auditor thereof, at the same time he is required by this act, to make his return of personal property, in which return he shall set forth the tract or lot of real property on which each of such structures has been erected, the kind of structures so erected, and the true value added to such parcel of real property by the erection thereof; and the additional sum which it is believed the land on which the structure is erected would sell for at private sale in consequence thereof, shall be

Shall annually list real property that has become subject to taxation since last assessment.

Shall report depreciation in case of destruction by fire, etc.

considered the value of such new structure; and in case of the destruction by fire, flood, or otherwise, of any building or structure of any kind, over one hundred dollars in value, which has been erected previous to the last valuation of the land on which the same stood, or the value of which has been added to any former valuation of such land, the assessor shall determine, as near as practicable, how much less such land would sell for at private sale in consequence of such destruction, and make return thereof to the county auditor as in this act provided.

May enter and examine buildings, etc., to determine their value.

SEC. 49. For the purpose of enabling the assessor to determine the value of buildings and other improvements, he is required to enter with the consent of the owner or occupant thereof, and fully examine all buildings or structures of whatever kind which are not by this act expressly exempted from taxation.

When and how to take a list of taxable personal property.

SEC. 50. The assessor or his deputy, shall, between the first Monday of May and the fourth Monday of June, proceed to take a list of the taxable personal property in his county, town or district, and assess the value thereof in the manner following, to-wit: He shall call at the office, place of doing business or residence of each person required by this act to list property, and list his name, and shall require such person to make a correct statement of his taxable property in accordance with the provisions of this act; and the person listing the property shall enter a true and correct statement of such property in the form prescribed by this act, which shall be signed and sworn to, to the extent required by this act by the person listing the property, and delivered to the assessor, and the assessor shall thereupon assess the value of such property and enter the same in his books; *Provided*, if any property is listed or assessed on or after the fourth Monday of June and before the return of the assessor's books, the same shall be as legal and binding as if listed and assessed before that time.

In case of sickness or absence of owner.

SEC. 51. If any person required by this act to list property, shall be sick or absent when the assessor calls for a list of his property, the assessor shall leave at the office or usual place of residence or business of such person, a written or printed notice, requiring such person to make out and leave at the place named by said assessor, on or before some convenient day named therein, the statement or list required by this act. The date of leav-

ing such notice and the name of the person required to list the property, shall be carefully noted by the assessor on his assessment book.

SEC. 52. In every case where any person whose duty it is to list any personal property for taxation, has refused or neglected to list the same when called on for that purpose by the assessor, or to take and subscribe an oath in regard to the truth of his statement of personal property, or any part thereof, when required by the assessor, the assessor shall enter opposite the name of such person in an appropriate column, the words "refused to list," or, "refused to swear," and in every case where any person required to list property for taxation has been absent, or unable from sickness to list the same, the assessor shall enter opposite the name of such person, in an appropriate column, the words "absent," or "sick;" *Provided*, that the assessor is hereby authorized to administer oaths to all persons who by the provisions of this act are required to swear, and to all persons who by the provisions of this act he is authorized to examine upon oath.

In case of refusal or neglect to list to the assessor.

SEC. 53. The assessor may examine, on oath, any person whom he may suppose to have knowledge of the amount or value of the personal property which the person so refusing is required to list. The assessor may take any proper form of action to compel the attendance of a witness.

Assessor authorized to administer oaths.

SEC. 54. It shall be the duty of assessors when making assessments of personal property, to designate the number of school district or districts in which each person assessed is liable for tax; which designation shall be made by writing the number of the district opposite each assessment, in a column provided for that purpose in the assessment book.

To designate school district.

SEC. 55. When the personal property of any person is assessable in several school districts, the amount in each shall be assessed separately, and the name of the owner placed opposite each amount.

Duty of assessor when separate property in several school districts.

SEC. 56. In all cases of failure to obtain a statement of personal property from any cause, it shall be the duty of the assessor to ascertain the amount and value of such property, and assess the same as he believes to be the true and full value thereof.

How to proceed in case of failure to obtain statement.

SEC. 57. The assessor, when requested, shall deliver to the person assessed, a copy of the statement of prop-

Upon request, to deliver to person assessed statement of property

erty hereinbefore required, showing the valuation of the property so listed, which copy shall be signed by the assessor.

Assessor to follow instructions prescribed by State Auditor.

SEC. 58. Assessors in the execution of their duties, shall use the forms and follow the instructions which shall from time to time be prescribed by the auditor of state, and furnished to them by the county auditor, in pursuance of law.

When board of equalization to meet.

SEC. 59. The assessor, clerk and chairman of the board of supervisors of each town, and the assessor, recorder and mayor of each city, (except cities whose charters provide for a board of equalization,) shall meet on the fourth Monday of June, at the office of such clerk or recorder, for the purpose of reviewing the assessment of property in such town or district. And on the application of any person considering himself aggrieved, or who shall complain that the property of another is assessed too low, they shall review the assessment, and correct the same, as shall appear to them just. No complaint that another is assessed too low shall be acted upon until the person so assessed, or his agent, shall be notified of such complaint, if a resident of the town or district. Any two of said officers meeting, are authorized to act, and they may adjourn from day to day, till they shall have finished the hearing of all cases presented on that day. Property assessed after the fourth Monday of June, shall be subject to complaint, to the county board, subject to the rules specified in this section.

Notice of meeting to be given.

SEC. 60. The assessor shall cause at least ten days' previous notice of the time and place of such meeting to be given, by posting notices in at least three public places in his town or district.

Not to vitiate assessment in case of failure to give notice.

SEC. 61. The failure to give such notice or hold such meeting, shall not vitiate such assessment, except as to the excess of valuation or tax thereon shown to be unjustly made or levied.

Complaints and grievances how decided.

SEC. 62. All complaints and grievances of individuals, residents of the town or district, in reference to the assessment of personal property, shall be considered and decided by the town board of review; *Provided*, That the complaints of non-residents of any town or district may be heard and determined by the county board.

Assessor to make tabular statement.

SEC. 63. The assessor shall add up and note the aggregate of each column in his assessment books of real and personal property. And [he] shall also make in each

book, under proper headings, a tabular statement, showing the footings of the several columns upon each page; and shall add up and set down, under the respective headings, the totals of the several columns.

SEC. 64. The assessor shall, on or before the first Monday of July in the year for which the assessment is made, return his assessment book to the county auditor, verified by his affidavit, substantially in the following form:

When assessor to make return to county auditor—form of.

STATE OF MINNESOTA, }
 _____County. } ss.

I _____, assessor of _____, do solemnly swear that the book to which this is attached, contains a correct and full list of all the real property, (or personal property, as the case may be,) subject to taxation in _____, so far as I have been able to ascertain the same; and that the assessed value set down in the proper column, opposite the several kinds and descriptions of property, is in each case the true and full value of such property, to the best of my knowledge and belief (where the assessment has been corrected by a town board, "except as corrected by the town board,") and that the footings of the several columns in said book, and the tabular statement returned herewith, is correct, as I verily believe.

 Assessor.

Sworn and subscribed to before me, this _____ day of _____, 18____
 [L.S.] Auditor of _____ county.

SEC. 65. The assessor shall at the same time deliver to the county auditor, all the lists and statements of personal property which shall have been received by him, endorsed with the name of the person whose property is listed, and arranged in alphabetical order; and the auditor shall preserve the same in his office for two years thereafter.

Assessor to deliver to county auditor all lists and statements of personal property.

SEC. 66. The several assessment books shall be filed in the office of the county auditor, and there remain open to the inspection of all persons.

Assessment books where filed.

SEC. 67. If any person required to list property for taxation is prevented by sickness or absence from giving to the assessor such statement, such person or his agent having charge of such property, may, at any time before

How property to be listed in case of sickness or absence of owner.

the assessment of taxes thereon by the county auditor, make out and deliver to the county auditor, a statement of the same as required by this act [chapter;] and the county auditor shall, in such case, make an entry thereof in the return for the proper town or district, and correct the corresponding item or items in the return made by the assessor, as the case may require; but no such statement shall be received by the county auditor from any person who refused or neglected to make oath to his statement when required by the assessor, as provided herein; nor from any person, unless he makes and files with the county auditor an affidavit that he was absent from his town or district without design to avoid the listing of his property, or was prevented by sickness from giving to the assessor the required statement when called on for that purpose.

In case of omission to list, duty of assessor.

SEC. 68. If from a careful examination of the returns made by the assessors, the county auditor discovers that any tract of land or town lot, or part of either in his county, has been omitted in the returns of such assessors, he shall add the same to his list of real property, with the name of the owner, and forthwith notify the assessor, in whose return such omission occurred, thereof, who shall forthwith proceed to ascertain and return to the county auditor the value of the tract or lot, or part thereof; or in case of the inability or neglect of the assessor, the auditor shall ascertain the value of such tract or lot, or parcel thereof, and add the same to the list of real property.

Time of meeting of county board of equalization.

SEC. 69. The county auditor and the county commissioners, or a majority of them, shall form a county board for the equalization of the assessment of real and personal property of their county. They shall meet on the fourth Monday in July, annually, at the office of the county auditor, and continue in session during that week, if necessary, for that purpose. When the county auditor shall lay before them the returns of the real and personal property made by the several assessors of the county, with the additions he has made thereto, and having each taken an oath fairly and impartially to equalize the value of the real and personal property of such county, agreeably to the provisions of this act, they shall immediately proceed to equalize such valuation, so that each tract or lot of real property, and each article, parcel or class of personal property, shall be entered on the tax list at

its true and full value, and for this purpose they shall observe the following rules:

First.—They shall raise the valuation of each tract or lot of real property, which, in their opinion, is returned below its true and full value, to such price or sum as they believe to be the true and full value thereof, agreeably to the rules prescribed by this act for the valuation thereof.

Second.—They shall reduce the valuation of each tract or lot which, in their opinion, is returned above its true and full value, to such price or sum as they believe to be the true and full value thereof, agreeably to the rules prescribed in this act for the valuation thereof.

Rules governing
county board of
equalization.

Third.—They shall raise the valuation of each class of personal property, enumerated in section twenty-two of this act, which, in their opinion, is returned below its true and full value, to such price or sum as they believe to be the true and full value thereof, and they shall raise the aggregate value of the personal property of each individual, whenever they believe that such aggregate valuation is less than the true valuation of the taxable personal property, possessed by such individual, to such sum or amount as they believe was the true and full value thereof, agreeably to the rules prescribed by this act for the valuation thereof.

Fourth.—They shall, upon complaint of any party aggrieved being a non-resident of the town or district in which his property is assessed, reduce the valuation of each class of personal property enumerated in section twenty-two aforesaid, which, in their opinion, is returned above its true and full value, to such price or sum as they believe to be the true and full value thereof; and upon like complaint, they shall reduce the aggregate valuation of the personal property of such individual, who, in their opinion, has been assessed at too large a sum, to such sum or amount as they believe was the true and full value of his personal property.

Fifth.—They shall not reduce the aggregate value of the real property, or the aggregate value of the personal property of their county, below the aggregate value thereof, as returned by the assessors, with the additions made thereto by the auditor, as hereinbefore required; but they may raise the aggregate valuation of such real property, and of each class of personal property of said county, or any town or district thereof, whenever they

believe the same is below the true and full value of said property, or class of property, to such aggregate amount as they believe to be the true and full value thereof, under the rules aforesaid.

Sixth.—The county auditor shall keep an accurate journal or record of the proceedings and orders of said board; and when any change is made by the board in the valuation of the personal property of any person who has given in his list to the assessor under oath, a statement of the facts upon which such change was made shall be entered upon the journal of the board.

Duty of county auditor at meeting of board of equalisation.

SEC. 70. The county auditor shall lay before the board of equalization the valuation of the several tracts and lots of real property in his county, as the same was entered in the tax list of the preceding year, and as returned by the assessors of the several townships for the current year, with such maps, return lists, and abstracts as are in his office; and the county auditor shall add to or deduct from the value of any tract or lot of real property, or of any town or district, or of the entire county, such sum or per cent. as may be ordered by the board of equalization; and said auditor shall add to or deduct from any class of personal property, or the personal property of any individual, such sum or per cent. as may be ordered by said board.

When county auditor to transmit abstract to state auditor—what to contain.

SEC. 71. The county auditor shall, on or before the last Monday of August, one thousand eight hundred and seventy-four, and every second year thereafter, make out and transmit to the auditor of state, an abstract of the real property in his county, which shall set forth:

First.—The number of acres, exclusive of town lots, returned by the several assessors in his county, with such additions as have been made thereto.

Second.—The aggregate value of all real property, other than town lots, as returned by the several assessors of his county, inclusive of such additions as have been made thereto, under the provisions of this act.

Third.—The aggregate value of the real property in each town in his county, as returned by the several assessors, with such additions as have been made thereto.

Fourth.—He shall also, on or before the said last Monday of August, annually make out and transmit to the auditor of state, an abstract of the personal property in each town or district in his county, in such form as the auditor of state shall prescribe.

SEC. 72. The governor, secretary of state, auditor of state, state treasurer and attorney general, shall constitute a state board of equalization; said board shall meet at the capitol of the state on the first Monday of September, in the year one thousand eight hundred and seventy four, and every two years thereafter, to equalize the value of the real property of the several counties in this state, and bring the same to its true and full value in money, in the manner hereinafter prescribed; said board shall also meet at the place aforesaid on the first Monday of September, annually, to equalize the value of the personal property of the several counties in this state, and bring the same to its true and full value in money in the manner hereinafter prescribed. At the first meeting of said board, it shall organize by selecting one of its members as chairman, and appointing a secretary, and may adjourn from day to day during two weeks, and may from time to time select such employees as may be deemed necessary.

Of whom state board of equalization composed. Time of meeting of state board. Duties of said board.

First.—They shall add to the aggregate valuation of the real property of every county, which they believe to be valued below its true and full value in money, such per centum in each case as will bring the same to its true and full value in money.

Second.—They shall deduct from the aggregate valuation of the real property of every county, which they believe to be valued above its true and full value in money, such per centum in each case as will reduce the same to its true and full value in money.

Third.—If they believe that the valuation of the real property of any town or district, in any county, or of the real property of any county not in towns, villages or cities, should be raised or reduced without raising or reducing the other real property of such county, or without raising or reducing it in the same ratio, they may, in every such case, add to or take from the valuation of any one or more of such towns, villages or cities, or of property not in towns, villages or cities, such per centum as they believe will raise or reduce the same to its true and full value in money.

Fourth.—They shall add to the aggregate valuation of any class of personal property enumerated in section twenty-two of this act, of any county, town, township, village or city, which they believe to be valued below the true and full value thereof, such per centum in each

case as will raise the same to its true and full value in money.

Fifth.—They shall take from the aggregate valuation of any class of personal property enumerated in section twenty-two of this act, in any county, town, township, village or city, which they believe to be valued above the true and full value thereof, such per centum as will reduce the same to its true and full value in money.

Sixth.—They shall not reduce the aggregate valuation of all the property of the state as returned by the several county auditors, more than one per centum on the whole valuation thereof.

Seventh.—Said board shall keep a full record of their proceedings and orders.

Duty of State Auditor upon completion of equalization by state board.

SEC. 73. When the state board complete their equalization of the real and personal property of the several counties, the auditor of state shall transmit to each county auditor a statement of the per centum to be added to or deducted from the valuation of the real and personal property of his county, specifying the per centum added to or deducted from the valuation of the real property of each of the several towns, townships, villages and cities, and of the real property not in towns, villages or cities, in case an equal per centum has not been added to or deducted from each, and specifying also the per centum added to or deducted from the several classes of personal property in each of the towns, townships, villages and cities in his county; and the county auditor shall add to or deduct from each tract or lot of real property in his county the required per centum on the valuation thereof as it stands, after the same has been equalized by the county board of equalization, adding in each case any fractional sum of fifty cents or more, and deducting in each case any fractional sum of less than fifty cents, so that the value of any separate tract or lot shall contain no fraction of a dollar; and shall also add to or deduct from such class of personal property in his county, the required per centum on the valuation thereof as it stands, after the same has been equalized by the county board of equalization, adding or deducting in manner as aforesaid any fractional sum, so that the value of any separate class of personal property shall contain no fraction of a dollar.

SEC. 74. All rates for taxes, hereinafter provided for, shall be extended by the county auditor on the

assessed valuation of property, as equalized and assessed by the state board of equalization. Rates of taxation how regulated.

SEC. 75. The auditor of state shall annually, on or before the first day of October, give notice to each county auditor of the rates per centum required by the state legislature to be levied for the payment of the principal and interest of the public debt, for defraying the expenses of the state, and for such other purposes as are prescribed by law; which rates, or per centum, shall be levied by the county auditor on the taxable property of each county on the tax lists, and shall be entered in one column and denominated state taxes. When State Auditor to give notice of rates of taxation levied for state purposes.

SEC. 76. The county commissioners shall, at their July session, annually determine on the amount to be raised for ordinary county purposes, for the support of the poor, and for interest and principal on the county debt. When county commissioners to ascertain amount to be raised for county purposes.

SEC. 77. The proper authorities of towns, townships, districts and incorporated cities, towns and villages, shall annually, on or before the fifteenth day of October, certify to the county auditor the several amounts which they require to be raised by taxation. When to be ascertained the amount to be raised for town purposes.

SEC. 78. Whenever a greater amount of tax is necessary for any county than the rates hereinafter mentioned will respectively afford, for the payment of any debt already contracted for county purposes, the commissioners may add to the rate of taxation of such county, not exceeding fifty per centum, which additional tax shall be exclusively appropriated to the purpose for which it is raised. When commissioners authorized to increase rate of taxation.

SEC. 79. There shall be levied annually on each dollar of taxable property in this state, (other than such as by law is otherwise taxed,) as valued and entered on the list of taxable property, for the several purposes in this act enumerated, taxes at the rates hereafter specified, namely: All county expenses of each of the several counties, other than for roads and bridges, and the payment of the interest and principal of the debts of the county, such rate as the commissioners of such county determine to be necessary, not exceeding ten mills on the dollar on the taxable property of the county. For township purposes on the taxable property in the township, as entered and valued on the tax list, such sum as the town clerk shall certify to the county auditor has been voted by such town, not exceeding five mills Tax to be levied annually for county and township purposes—limitation.

on the dollar: *Provided*, The aforesaid limitation shall not be construed as prohibiting assessments on property adjacent to local improvements made in any city, or incorporated town or village, for the purpose of paying the cost thereof and the damages occasioned thereby; *And provided further*, That nothing in this section shall be construed to prevent the county commissioners, township supervisors, or corporate authorities of any city, town or village, from levying any tax which by any special law they are authorized to levy.

May levy a tax to pay interest on floating debt.

SEC. 80. The commissioners of any county that has a floating debt in county orders (and the amount authorized by existing laws to be levied for county purposes is insufficient to defray the expenses of such county and pay the interest on said debt,) may, if they deem it just and right, levy a sufficient amount to pay the interest on said debt; which tax, when collected, shall be applied to paying the interest on the county debt, and not otherwise.

County auditor to make out a complete list of all taxable real and personal property in his county.

SEC. 81. The county auditor shall make out, in books prepared for that purpose, in such a manner as the auditor of state may prescribe, a complete list or schedule of all the taxable property in his county, and the value thereof as equalized, arranged in the form following: Each separate tract of real property in each township in his county, other than town property, shall be contained in a line opposite the name of the owner, if known, and if unknown, so stated, arranged in numerical or alphabetical order. Each separate lot or tract of real estate in each town shall be set down in a line opposite the name of the owner, if known, and if unknown, so stated, arranged in numerical or alphabetical order. The value of personal property of each person, company or corporation, within each town or district, shall be set down in a column opposite the name of the owner, person or corporation, in whose name the same is listed. The names of persons in each township who are not residents of any incorporated town, shall be set down in alphabetical order in one list, and the names of persons who are residents of any incorporated town, shall be entered in another list in alphabetical order.

SEC. 82. The county auditor shall, from time to time, correct any errors which he may discover in the name of the owner, in the valuation, description or quantity of

any tract or lot contained in the list of real property in his county; but in no case shall he make any deduction from the valuation of any tract or lot of real property, except such as is ordered either by the state board or by the county board of equalization, in conformity with the provisions of this act, or upon the written order of the auditor of state; which written order shall only be made upon a statement of facts submitted to the auditor of state, in writing.

County auditor authorised to make certain corrections.

SEC. 83. The county auditor after receiving from the auditor of state, and such officers and authorities as are legally empowered to determine the rates or amounts of taxes to be levied for the various purposes authorized by law, statements of the rates and sums to be levied for the current year, shall annually determine the sums to be levied upon each tract or lot of real property, and upon the amount of personal property listed in his county, in the name of each person, which shall be extended equally on all real and personal property subject to such taxes, and set down in one or more columns, in such manner and form as the auditor of state prescribes; and in all cases when the whole amount of taxes upon personal property of any person shall not amount to ten cents, the auditor shall not enter the same upon the tax list, if such person has no other taxable property.

County auditor to determine the rates to be levied for the current year—when.

SEC. 84. The county auditor is not required to extend on the taxable property of his county, or of any township, city, incorporated village or school district therein, for any purpose, nor for all purposes added together, any rate of taxation containing or resulting in any fraction other than a decimal fraction, nor in any fraction less one twentieth of a mill; but if the sum required to be raised for any or for all purposes results in a fraction less than one-fortieth of a mill, such fraction shall be dropped, and if more than one-fortieth of a mill, the difference between such fraction and one-twentieth of a mill shall be added to such resulting fraction.

Term fraction explained.

SEC. 85. The county auditor shall make out and transmit by mail to the auditor of state, on or before the fifteenth day of November, annually, a complete abstract of the tax lists of his county, stating the number of acres of land assessed, the value of such land, and the structures thereon; the value of town and city lots, including structures; the total value of taxable personal property, and the aggregate value of all taxable property in

When county auditor to transmit to State Auditor complete abstract of tax lists.

his county; and of the total amount of taxes for all purposes assessed thereon for that year; he shall also, at the same time, make out and transmit to the auditor of state an abstract of the number and value of each of the enumerated articles, and the value of merchants' and manufacturers' stocks, and the value of all other personal property as returned by the assessors, or as fixed by the county board of equalization. Said abstracts shall be made out in such form as the auditor of state shall prescribe.

SEC. 86. It shall be the duty of the county auditor to make in each tax book or list a certificate in the following form, viz.:

County auditor's
certificate.

I, A B——, auditor of—— county, and state of Minnesota, do hereby certify that the following is a correct list of the taxes levied on the real and personal property in the town or district, as the case may be, for the year one thousand eight hundred and——

Witness my hand an official seal this——day of
——County Auditor.

SEC. 87. The county auditor shall deliver the several tax lists of his county to the county treasurer, on or before the first day of December in each year, taking his receipt therefor, showing the total amount of taxes due upon the said lists; and such lists shall be full and sufficient authority for the county treasurer to receive and collect taxes therein levied.

When to deliver
tax lists to coun-
ty treasurer.

SEC. 88. The county treasurer shall be the receiver and collector of all taxes assessed upon the tax list in his county, whether assessed for state, county, city, town, school, poor, bridge, road or other purposes, anything in the charter of the city of St. Paul, or in the charter of any town, or in any other act of the legislature heretofore passed, to the contrary notwithstanding; and also of all fines, forfeitures, or penalties received by any person or officer for the use of his county; and he shall proceed to collect the same according to law, and place the same when collected to the credit of the proper funds. But this provision shall not be so construed as to include any fines or penalties accruing to any municipal corporation for the violation of its ordinances, and which was recovered before any city justice.

County treasurer
to collect all tax-
es and penalties.

SEC. 89. The county treasurer shall, immediately after receiving from the auditor of his county the lists of the taxes assessed upon the property of his county, cause

notices to be posted up in three places in each town or district throughout the county, one of which shall be the place of holding elections in the town or district, and also cause to be inserted in some newspaper having general circulation in his county, once in each of three successive weeks, specifying particularly in said notice the amount of taxes levied for the support of the state government, for the payment of principal and interest on the public debt, for the support of state common schools, for defraying county expenses, for repairing roads, for keeping the poor, for building bridges, for township expenses, and for any other object for which tax may be levied, so far as may be conveniently expressed, on each dollar valuation of property; also on what day the treasurer or his deputy will attend at the place of holding elections, or at some other convenient place in each town or district, which day shall not be prior to the first day of January in each year, for the purpose of receiving such taxes, and the treasurer or his deputy shall attend for the purpose aforesaid, on the day and at the place named in said notice.

County treasurer to issue notices containing amount assessed for the various purposes; also the time and place for the purpose of receiving such taxes.

SEC. 90. Each [The] county treasurer may appoint one or more deputies to assist him in the collection of taxes, and may take such bond and security from the person so appointed as he deems necessary for his indemnity, and shall in all cases be liable and accountable for the proceedings and misconduct of his deputies in office.

County treasurer may appoint deputies.

SEC. 91. The county treasurer, or his deputy, whenever any tax is paid, shall give to the person paying the same a receipt therefor, specifying therein the land, town or city lot or other property, on which such tax was levied, according to its description on the tax list, or in some other sufficient manner, and the year or years for which the tax was levied. The said receipt shall have a duplicate stub, showing the name of the person, description of property, and the amount and date of payment; and the county treasurer shall return all such duplicate stubs made by himself or deputies, to the county auditor, at the end of each month, who shall file and preserve them in his office, and charge the county treasurer with the amount of collections thus returned.

County treasurer to give receipt upon liquidation.

SEC. 92. He shall receive county orders in payment of county taxes, also the orders of any town or city, for the town tax of such town or city, without regard to the

Authorized to receive county orders in payment of county taxes.

priority of the numbers of such orders, except when otherwise provided by law.

Treasurer required to appoint a deputy collector—fees of.

SEC. 93. The county commissioners of any county may, at their stated meeting in January, require the county treasurer to appoint a deputy to collect taxes in any town or district during the month of February. He shall furnish such deputy with a duplicate, to be made at the expense of the county, of the tax list of the town or district for which he is appointed, with a separate column, after the column of total taxes, ruled for entering his fees for collection, which he shall calculate at the rate of two per cent., on each tax collected, and enter in the said column, and each tax-payer shall be required to pay the said two per cent. collection fees in addition to the amount of his tax. He shall also furnish such deputy with blank duplicate receipts, the stubs of which shall be returned to him by the said deputy with the said duplicate tax list at the expiration of the time for which he is appointed.

Treasurer's fees where tax is collected by deputy.

SEC. 94. The county treasurer shall not attend in person or by deputy in January for the receipt of taxes in any town or district for which he shall be required to appoint a deputy as provided by the preceding section, and he shall only receive two per cent. fees on all collections made by such deputy.

When treasurer authorized to distraint property for payment of personal tax—how property disposed of.

SEC. 95. At any time subsequent to the first day of February next after such taxes become due, the county treasurer or his deputy, shall distraint sufficient goods and chattels belonging to the persons charged with taxes levied upon personal property, if found within his county, to pay the taxes upon the personal property of such persons and the costs that may accrue; and shall immediately proceed to advertise the same in three public places in the town or district where such property is taken, stating the time when and the place where such property will be sold; and if the taxes for which such property is distrained, and the costs which accrue thereon, are not paid before the day appointed for such sale, which shall not be less than ten days after the taking of such property, such treasurer or his deputy shall proceed to sell such property at public vendue, or so much thereof as will be sufficient to pay said taxes, and the costs of such distress and sale; *Provided*, That he shall not distraint any goods or chattels for the non-payment of taxes until after the first day of February next after such taxes be-

come due, and in no case shall personal property or chattels be distrained or sold for taxes levied on real estate.

Sec. 96. If any person fails to pay the taxes upon personal property charged to him after the same becomes due, he may pay the same at any time before the treasurer distrains any property for the payment of such taxes; *Provided*, That such payment is made prior to the first day of June next after the same becomes due; but if not paid before such first day of June, he shall pay two per centum thereon per month for the use of the county, so long as the same shall remain unpaid.

What rate of interest after tax becomes due.

Sec. 97. If the county treasurer is unable, for the want of goods and chattels whereon to levy, to collect, by distress or otherwise, the taxes or any part thereof, which have been, or shall be hereafter assessed upon the personal property of any person or corporation, or any executor, administrator, guardian, receiver, accounting officer, agent or factor, such treasurer shall file with the county auditor of his county, between the last day of May and the first day of July, of each year, a list of such taxes, with an affidavit of himself or the deputy treasurer, intrusted with the collection of said taxes, stating that he had made diligent search and inquiry for goods and chattels wherewith to make such taxes, and was unable to make or collect said taxes. The county auditor shall deliver such list and affidavit to the chairman of the board of county commissioners at their first session thereafter, and said board of commissioners shall revise said list, and erase and cancel such taxes as they are satisfied cannot be collected.

When taxes may be cancelled.

Sec. 98. Within ten days after the adjournment of the board of commissioners, the auditor shall file a copy of such revised list with the clerk of the district court of the county, and within ten days after the filing of such copy, the clerk shall issue and deliver to the sheriff for service, a citation to each delinquent named on said list, stating the amount of the tax, and requiring such delinquent to appear on the first day of the next general term of the district court in the county, and show cause, if any there be, why he should not pay said taxes, and if he fails to pay said taxes and costs to the sheriff before the first day of the term, or on said day to show cause as aforesaid, the court shall direct the clerk to enter a judgment against such delinquent for the amount of such judgment and costs.

Delinquent to show cause for non-payment.

Fees of clerk.

SEC. 99. The clerk shall receive as fees for issuing such citation and perfecting judgment, one dollar and fifty cents in cases not contested, and in contested cases such fees as are allowed by law in civil actions. Execution shall be issued upon such judgment at the request of the county attorney, and shall state that the judgment was obtained for delinquent taxes, and no property shall be exempt from seizure thereon, not exempt from seizure for taxes.

Penalty for neglect.

SEC. 100. If any county treasurer shall refuse or neglect to collect any tax assessed upon personal property, where the same is collectable, or to file the delinquent list and affidavit, as herein provided, he shall be held in his next settlement with the auditor, liable for the whole amount of such taxes so delinquent, which shall be deducted from his salary or fees, and applied to the several funds for which they were levied.

County treasurer to note destination of delinquent

SEC. 101. The county treasurer in making return of the delinquent list of personal property to the auditor of his county, shall note on the margin of said return, the county to which any such delinquent tax payer may have removed to, or resides in, with the date of his removal, if he is able to ascertain such fact.

Duty of county auditor upon receipt of notice of removal of delinquent.

SEC. 102. The county auditor, within thirty days after receiving the delinquent list of personal property from the county treasurer, shall make out and forward to the county treasurer of any county in this state, to which any such delinquent tax payer has removed to or resides in, a statement or account of taxes so assessed and not paid, which statement or account shall specify the value of property on which said taxes were levied, and the amount of taxes levied thereon, to which he shall add an amount equal to the sum of twenty-five per centum on the tax so levied, if said delinquent tax payer left the county in which said taxes were levied after the time required by law for the county auditor to deliver the tax list to the county treasurer; but if he left the county previous to the time required by law for the delivery of said tax list to the county treasurer, then the said county auditor shall not add the twenty-five per centum.

Persons in arrears for taxes removing to another county, how collected.

SEC. 103. The county treasurer, immediately on the receipt of any such statement or account, shall proceed to collect the same of the person so charged with said taxes and per centum, for which services he shall be allowed the same fees that county treasurers are now al-

lowed by law for collecting delinquent taxes by process to be collected of the person against whom said taxes are charged.

SEC. 104. For the collection of all taxes, interest, penalty and cost mentioned in the preceding section, the several county treasurers have the same powers that are now or may be hereafter given for the collection of taxes; and all taxes collected pursuant to the provisions of said section by any county treasurer, shall be by him remitted to the treasurer of the county to which said taxes belong; and at the same time he shall return the original statement or account to the auditor of the county from which it was received, stating the amount of his collections, and if any taxes remain unpaid, the reason why said taxes could not be collected, certifying in his official capacity to the same.

Power of county treasurer in collecting taxes from delinquents removing from other counties.

SEC. 105. The county treasurer or his deputy shall be allowed the same fees for making distress and sale of goods and chattels, for the payment of taxes, as are allowed by law to constables for making levy and sale of property on execution; traveling fees to be computed from the place of holding elections of any town or district, to the place of making the distress, unless such distress is made by his deputy, in which case the same shall be computed from the residence of such deputy.

Fees of county treasurer and deputies.

SEC. 106. The county treasurer shall, on the last day of February, May and September, respectively of each year, compare his tax lists and books with the duplicate receipts in the hands of the county auditor, and make full settlement with the county auditor of his receipts and collections up to each date mentioned, and the county auditor shall immediately after making each settlement send an abstract of the same to the auditor of state in such form as the said auditor may prescribe.

When treasurer to compare tax lists with county auditor.

SEC. 107. At the time of his settlement, on the last day of May, the county treasurer shall return to the county auditor the several tax lists in his hands, received from the county auditor, as provided by section eighty-seven of this act, having compared the same with his duplicate receipts on file in the auditor's office, and written opposite each description of property so receipted for, the word "paid;" and each tract or lot of real property against which the word "paid" is not so written, shall be deemed delinquent.

When to return tax lists to county auditor.

SEC. 108. The county auditor shall open an account

County auditor to
open an account
with state, county,
&c.

with the state, county and with each township, city, incorporated village or school district in his county, and immediately after each settlement with the county treasurer in each year, he shall credit the state, county and each township, city, or incorporated village or school district, with the amount so collected for the use of the state, county and any such township, village or school district; and upon application of any town, city, village or school district treasurer, the auditor shall give him an order on the county treasurer for the amount due such township, city, village or school district treasurer, and shall charge them respectively with the amount of such order; *Provided*, That the person so applying for such order shall deposit with the auditor a certificate from the clerk of the township, city, village or school district, stating that such person is treasurer of such township, city, village or school district, duly elected or appointed, and that he has given bond according to law.

Disposition of
funds in the
hands of county
treasurer.

SEC. 109. The county treasurer shall pay over to the treasurer of the state or of any municipal corporation or organized township, or other body politic, on the orders of the proper officers, all moneys received by him arising from taxes levied and collected belonging to the state or to such municipal corporation or organized township, and shall within fifteen days after each settlement in February, May and September in each year, pay over all moneys and deliver up all orders and other evidence of indebtedness of such municipal corporation or other body politic, and take duplicate receipts therefor, and file one with the county auditor.

When county auditor to file list of delinquent taxes upon real estate in the office of clerk of the court.

SEC. 110. On the third Monday of June, the county auditor shall file in the office of the clerk of the district court of the county, or if it be attached for judicial purposes to some other county, then in the office of the clerk of such court, in that county, a list of the delinquent taxes upon real estate within his county, which list shall contain a description of each piece or parcel of land on which such taxes shall be so delinquent, with the name of the owner if known, and if unknown, so stated, appearing on the delinquent list, and the amount of tax delinquent for each year opposite such description, and shall verify such list by his affidavit, that the same is a correct list of taxes delinquent for the year or years therein appearing upon real estate in said county. The filing of such list shall have the force and effect of filing a com-

plaint in an action by the county against each piece or parcel of land therein described, to enforce payment of the taxes therein appearing against it, and shall be deemed the institution of such action; and the same shall operate as notice of the pendency of such action.

SEC. 111. The clerk shall thereupon make and deliver to the county auditor a copy of the list so filed and attach thereto a notice which may be substantially in the following form:

Duty of clerk of court—form of notice.

State of Minnesota, } ss. { District Court,
County of ——— } { ——— Judicial district.

The state of Minnesota to all persons, companies or corporations, who have or claim any estate, right, title or interest in, claim to, or lien upon any of the several pieces or parcels of land in the list hereto attached described:

The list of taxes on real estate for the county of ———, remaining delinquent on the first day of June ———, has been filed in the office of the clerk of the district court in the county of ———, of which that hereto attached is a copy.

Therefore you, and each of you, are hereby required to file in the office of said clerk, within twenty (20) days after the last publication of this notice, your answer in writing, setting forth any objection or defense you may have to the taxes, or any part thereof, upon any piece or parcel of land described in said list, into or on which you have or claim any estate, right, title, interest, claim or lien. And in default thereof, judgment will be entered against such piece or parcel of land, for the taxes on said list appearing against it, and for all penalties, interest and cost.

[Signed,]

———, Clerk of the district court in the county of ———.

[Here insert list.]

SEC. 112. The county auditor shall cause the said notice and list to be forthwith published once in each of three consecutive weeks in some newspaper of general circulation printed in the English language, published at the county seat in the county in which said real estate is situate, if there be one; if there be none, then in some such newspaper published at some other place in the county, or in the county where the proceedings are instituted, or if there be no such newspaper published in either county, then in some newspaper pub-

County auditor to cause notice to be published.

lished within the judicial district. The newspaper in which such publication shall be made shall be designated by resolution of the board of county commissioners of the county in which the taxes are levied, at their annual meeting in January, or at a meeting of said board to be held on the third Monday of June in each year; a copy of which resolution, certified by the county auditor, shall be filed in the office of the clerk of the court.

When notice
deemed to be
served.

SEC. 113. When the last publication shall have been made, the notice shall be deemed to have been served and the court to have acquired full and complete jurisdiction to enforce against each piece or parcel of land in said published list described, the taxes upon it then delinquent, so as to bind every estate, right, title, interest, claim, or lien in law or equity, into or on such piece or parcel of land, of every person, company or corporation. And such jurisdiction shall not be in any way affected by any error in making the list filed with the clerk, nor by any error, irregularity, or omission in the assessment or levy of the taxes, or in any other proceedings prior to filing the said list, nor shall the jurisdiction be affected, except as to the piece or parcel as to which such error may occur, by any mistake in copying the list for publishing, nor any mistake in publishing such list, nor by any mistake in the amount of tax in such published list appearing against any piece or parcel of land therein described.

Publisher or fore-
man to make affi-
davit of publica-
tion of notice.

SEC. 114. The owner, publisher, manager or foreman in the printing office of the newspaper in which such notice and list shall be published, shall make and file with the clerk an affidavit of such publication, stating the days in which each publication was made, and shall also file with the clerk three copies of each number of the paper and supplement, if any, in which the notice and list shall have appeared. The publication may be made in such newspaper, or partly in such newspaper, and partly in a supplement issued therewith.

Persons having
lien upon land in
said published
list, how to pro-
ceed.

SEC. 115. Any person, company or corporation having any estate, right, title or interest in or lien upon any piece or parcel of land embraced in said list as published may, within twenty days after the last publication of said notice, file in the office of said clerk, an answer verified as pleadings in civil actions, setting forth his defense or objection to the tax or penalty against such piece or parcel of land, which answer need not be in any

particular form, but shall clearly refer to the piece or parcel of land intended, and set forth in ordinary and concise language the facts constituting the defense or objection to such taxes or penalty, and if the list shall embrace the taxes for two or more years, the defense or objections may be to the taxes or penalty for one or more of such years.

SEC. 116. Upon the expiration of twenty days from the last publication of said notice and list, the said clerk shall, the affidavit of publication being filed, enter judgment against each and every [of] such pieces or parcels as to which no answer shall have been filed, which judgment shall include all of such pieces or parcels, and shall be substantially in the following form:

When clerk to enter judgment against delinquents.

State of Minnesota, county of ———, District court.

"In the matter of the proceedings to enforce payment of the taxes on real estate remaining delinquent on the first day of June, 18—, for the county of ———

State of Minnesota:

A list of taxes on real property, delinquent on the first day of June, 18—, for said county of ———, having been duly filed in the office of the clerk of this court, and the notice and list required by law having been duly published as required by law, and no answer having been filed by any person, company or corporation, to the taxes upon any of the pieces or parcels of land hereinafter described, and more than twenty days having elapsed since the last publication of said notice and list, —it is hereby adjudged and decreed that each piece or parcel of land hereinafter described as liable for taxes, interest, penalties and costs, to the amount set opposite the same, as follows, to wit:

Description,

Amount.

And the amount of taxes, interest and penalties and cost to which, as hereinbefore stated, each of said pieces or parcels of land is liable, is hereby declared a lien upon such pieces or parcel of land as against the estate, right, title, interest, claim or lien of whatever nature in law or equity of every person, company or corporation whatsoever; and it is adjudged, that unless the amount to which each of said pieces or parcels is liable, be paid, each of said pieces or parcels be sold, as provided by law, to satisfy such amount to which it is liable.

Signed,

Clerk of the district court, county of ———.

Such judgment shall be entered by the clerk in a book to be kept by him, to be called the "real estate tax judgment book," and shall be dated and signed by the clerk. The judgment shall be written out on the left hand pages of such book, leaving the right hand pages blank for the entries hereinafter provided.

Delinquents in certain cases to be tried by the courts.

SEC. 117. If answers shall be filed within the time hereinbefore prescribed as to the taxes or penalties upon any pieces or parcels of land embraced in said list as published, such answers shall stand for trial at any general term of the district court in the county where such proceedings are pending, in session at the time when the time to file answers as aforesaid shall expire, or at the next general or special term appointed to be held in said county, and if no general or special term shall be appointed to be held within thirty days thereafter, then the same be brought to trial at any general term appointed to be held within the judicial district upon ten days' notice. It shall be the duty of the county attorney of the county in which said taxes are levied, if there be one and if there be none, then of the county in which such proceedings are instituted, to take charge of and prosecute such proceedings; but the county commissioners of the county in which such taxes are levied may employ any other attorney to assist such county attorney therein. At the term at which such proceedings come on for trial, they shall take precedence of all other business before the court. The court shall proceed without delay, and summarily hear and determine the objections or defences made by the several answers, and shall dispose of all such answers, and direct judgment accordingly at the same term, and in the trial thereof shall disregard all technicalities and matters of form not affecting the substantial merits.

In case court sustain the tax and penalties, how to proceed.

SEC. 118. If, after a hearing, the court shall sustain the taxes and penalties in whole or in part against any piece or parcel of land, judgment shall be rendered against all such pieces or parcels for the amount as to which such taxes and penalties shall be sustained against such pieces or parcels respectively, with interest and disbursements, unless the court otherwise direct, which judgment may be substantially in the form prescribed in section one hundred and sixteen of this act, except that it shall in addition state that the same was rendered after answer and trial; and after the description of each piece

or parcel shall be stated the name of the person, company or corporation answering as to such piece or parcel. If the court sustain the defence or objections to the taxes and penalties as to any piece or parcel of land, the judgment shall, after the statement of the lands against which judgment is given, state that all other pieces or parcels not embraced in that or the prior judgment of the court, and which are described in the list as published, are discharged from the taxes in said list set down against such other pieces or parcels, and from all penalties; and the court may, in its discretion, award disbursements against the county laying such taxes, and in favor of the party answering to the pieces or parcels so discharged.

In case court sustain the defence, how to proceed.

SEC. 119. If all the provisions of law in relation to the assessment and levy of the taxes shall have been complied with, of which the list so filed with the clerk shall be *prima facie* evidence, then judgment shall be rendered for such taxes, and the interest, penalties and costs. But no omission of any of the things by law provided in relation to such assessments and levy, or of anything required by any officer or officers to be done prior to the filing of the list with the clerk shall be a defence or objection to the taxes appearing upon any piece or parcel of land, unless it be also made to appear to the court that such omission has resulted to the prejudice of the party objecting, and [that] the taxes against such piece or parcel of land have been partially, unfairly, or unequally assessed, and in such case, but no other, the court may reduce the amount of taxes upon such piece or parcel, and give judgment accordingly. It shall always be a defence in such proceedings, when made to appear by answer and proofs, that the taxes have been paid, or that the property is lawfully exempt from taxation.

When court may reduce the amount of taxes levied.

SEC. 120. The judgment which the court shall render shall be final, except that upon application of the county or other party against whom the court shall have decided the point raised by any defence or objection, the court may, if in its opinion the point is of great public importance or likely to arise frequently, make a brief statement of the facts established bearing on the point and of its decision, and forthwith transmit the same to the clerk of the supreme court, who shall enter the same as a cause pending in said court, and place the same on the term calendar of said court for the term then in session, or for the first term thereafter, and the same shall

Judgment rendered by the court shall be final. Right of appeal.

be entitled to a preference over any other business before said court, and shall be decided by said court at the term for which it shall be entered in the calendar. As soon as it shall be decided, the clerk of the supreme court shall enter the proper order, and forthwith transmit a certified copy of such order to the clerk of the proper district court; *Provided*, That such proceeding shall in no case prevent the entry of judgment in the district court, nor prevent the sale of any piece or parcel of land pursuant to the judgment of the district court, unless, at the time of applying for such statement, an undertaking with at least two sureties and in an amount to be approved by the judge of the district court, conditioned for the payment of the amount for which judgment shall been [be] rendered in the district court, and the interests and costs allowed by law, if the decision of the district court shall be affirmed, shall be filed with the clerk of the district court.

Clerk to deliver
to county auditor
certified copy of
such judgment.
Right of redemp-
tion.

SEC. 121. When any real estate tax judgments shall be entered, the clerk shall forthwith deliver to the county auditor, in a book to be provided by said auditor, a certified copy of such judgment, which shall be written on the left hand pages of such books, leaving the right hand pages blank; and if, before sale, any person wishing [wishes] to pay the amount adjudged against any piece or parcel of land, the auditor shall give him a statement showing the amount so adjudged against such piece or parcel, and such person may present the same to the treasurer and pay to him such amount, with interest; and the treasurer shall thereupon give a receipt for such payment, and on the receipt being produced to the clerk, he shall enter on the right hand page of the real estate tax-judgment book, and opposite the description of such piece or parcel, satisfaction of the judgment against the same. If, after a sale, any person shall desire to redeem, the auditor shall give him a statement showing how much is required to be paid upon such redemption, so far as appears from the records in the auditor's office.

When lands may
be sold upon tax
judgment—notice
to be given.

SEC. 122. After twenty days from the date of any tax judgment, if the amount therein charge[d] shall not have been paid, the county auditor shall sell the pieces or parcels of land upon which taxes stand charged in said judgment. Before making such sale he shall give notice thereof by posting such notice,—one copy in the office of the clerk where the judgment shall have been entered,

one copy in the office of the county treasurer, and one copy at the county seat of the county, in some conspicuous place, at least ten days before the day of sale; and by publishing such notice once in each of two successive weeks, the last publication to be not less than ten days before the day of sale, in some newspaper printed in the English language, and of general circulation, published in the county where such lands are situated, if there be one; if there be none, then in one published at some other place in the county [published in the county] in which the judgment shall have been entered; or if there be none in either, then in one published in some county in the judicial district. Which notice may be substantially in the following form:

TAX JUDGMENT SALE.

Pursuant to a real estate tax judgment of the district court in the county of —, state of Minnesota, entered the — day of —, in proceedings for enforcing payment of taxes upon real estate in the county of —, remaining delinquent on the first day of June, 18—, and of the statutes in such case made and provided, I shall, on the — day of —, at ten o'clock in the forenoon, at —, in the town (or city) of —, and county of —, sell the lands which are charged with taxes in said judgment, and on which such taxes shall not have been previously paid.

Form of notice.

Signed,

_____,
County auditor, county of —.

At the time and place appointed in such notice the auditor shall commence the sale of such lands, and proceed with the sale thereof from day to day (Sundays and legal holiday excepted,) until the whole shall be sold.

SEC. 123. The auditor shall sell by public vendue each piece or parcel of land separately, in the order in which they are described in the judgment and by the description therein, but if the sum bid for any piece or parcel shall not be paid before the sale closes, he shall again offer such piece or parcel for sale. In offering the land for sale he shall state the amount for which each piece or parcel is to be sold, and he shall first offer each piece or parcel to the bidder who will pay the amount for which it is to be sold for the shortest term of years, on such piece or parcel. If no bidder shall offer to pay

Lands to be sold
at public vendue

When may be bid
in for the state.

such amount for any term of years for the piece or parcel so offered, he shall then offer the same in fee to the highest bidder, who shall bid not less than the amount for which the same is to be sold. If no bidder offer to pay such amount for a term of years, and no bidder shall bid an amount equal to that for which the piece or parcel is to be sold, then he shall bid in the same for the state at such amount. The treasurer shall attend at the sale and receive all moneys paid thereon.

SEC. 124. The auditor shall execute to the purchaser of any piece or parcel a certificate which may be substantially in the following form:

Form of tax certificate.

I, — the auditor of the county of —, state of Minnesota, do hereby certify that at the sale of lands pursuant to the real estate tax judgment entered in the district court in the county of —, on the — day of —, 18—, in proceedings to enforce the payment of taxes delinquent upon real estate for the county of —, which sale was held at —, in said county of —, on the — day of —, the following described piece or parcel of land, situate in said county of —, state of Minnesota, to wit: (Insert description,) was first offered to the bidder who would pay the amount for which the same was subject to be sold for the shortest term of years in said piece or parcel.*

If there be a bidder for a term of years, here insert as follows: And — having offered to pay, and having paid such amount, to wit, the sum of —, for the term of — years, that being the shortest term for which any person offered to take said piece or parcel and pay said amount, I do, therefore, in consideration of the amount so paid, and pursuant to the statutes in such cases made and provided, let the said piece or parcel of land to the said —, for the term of — years from the date hereof, subject to any redemption provided by law.

Witness my hand and seal, this — day of —.

Signed, _____

If no one shall offer to take such piece or parcel for a term of years, then after the asterisk insert as follows: And no person having offered to pay such amount for a term of years, I did sell the fee of said piece or parcel of land to —, for the sum of —, that being the highest sum bid therefor, and he having paid said sum, I do therefore, in consideration thereof, and pursuant to the

statute in such cases made and provided, convey the said piece or parcel of land in fee simple, to the said —, his heirs and assigns forever, subject to redemption as provided by law.

Witness my hand and seal, this — day of —.

(Signed,)

If there be no bidder, then insert after the asterisk as follows: And there being no bidder upon that offer, I offered the fee of the same to the highest bidder, and no one bidding upon such offer an amount equal to that for which said piece or parcel was subject to be sold, I then bid in the same for the state at such amount, being the sum of —. In consideration whereof, and pursuant to the statutes in such cases made and provided, I do hereby convey said piece or parcel of land in fee simple to the state of Minnesota, and its assigns forever, subject to redemption as provided by law.

Witness my hand and seal, this — day of —.

(Signed,)

Such certificate, in case the land shall not be redeemed, shall pass to the purchaser or the state the estate therein expressed, without any other act or deed whatever. Such certificate may be recorded as other deeds of real estate, and the record thereof shall have the same force and effect in all respects as the record of such deeds, and shall be evidence in like manner. If any purchaser shall, at said sale, purchase more than one piece or parcel, or if more than one shall be bid in for the state, all of the pieces or parcels so purchased or bid in for the state, may be included in the same certificate, but in all cases the certificate must state the amount at which each piece or parcel was sold, or was bid in for the state.

Certificate may be recorded as other deeds of real estate.

Sec. 125. Such certificate, or the record thereof, shall in all cases be *prima facie* evidence that all the requirements of the law, with respect to the sale, have been duly complied with; and no sale shall be set aside or held invalid, unless the party objecting to the same shall prove either; that the court rendering the judgment pursuant to which the sale was made, had not jurisdiction to render the judgment, or that after the judgment and before the sale such judgment had been satisfied; or that notice of sale as required by this act was not given; or, that the piece or parcel of land was not first offered at said sale to the bidder who would pay the amount for which

Certificate deemed prima facie evidence that all requirements of law have been complied with.

the piece or parcel was to be sold, for the shortest term of years; nor unless the action in which the validity of the sale shall be called in question be brought, or the defence alleging its invalidity be interposed, within three years after the date of the sale.

County auditor
to keep record of
disposition of
each parcel of
land; also clerk
of court.

SEC. 126. The county auditor shall, immediately after such sale, set out in his copy judgment book what disposition was made at said sale of each piece or parcel of land; if the same was let for a term of years, stating to whom and for what term, if sold in fee, to whom and for what amount; and if bid in for the state, then so stating; and upon any assignment, or redemption, he shall make a note thereof in said copy judgment book, opposite the piece or parcel assigned or redeemed. After he shall have set out in the copy judgment book what disposition was made at the sale of the several pieces or parcels of land, he shall deliver the same to the clerk of the court, who shall forthwith enter on the right hand page of the real estate tax judgment book, opposite the description of each piece or parcel let or sold, the words "satisfied by sale," and opposite each piece or parcel bid in for the state, the words "bid in for the state," and he shall thereupon re-deliver said copy judgment book to the auditor.

Who authorised
to purchase at
such sale.

SEC. 127. Any person may become the purchaser at said sale. If the owner purchase, the sale shall have the effect to pass [to] him (subject to redemption as herein provided) every right, title and interest, of any and every person, company or corporation, free from any claim, lien or incumbrance, except such right, title, interest, claim, lien or incumbrance, as the owner so purchasing may be legally or equitably bound to protect against such sale or the taxes for which such sale was made.

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Taxes for subsequent years to be levied on lands sold and deemed part of redemption money.

SEC. 128. The taxes for subsequent years shall be levied on lands so sold or bid in for the state in the same manner as though the sale had not been made, and if the purchaser or assignee of the state shall pay such taxes, the amount thereof with interest from the date of payment at the same rate as is provided upon the amount bid on the sale, shall be added to and be part of the money necessary to be paid for redemption from sales.

Authorized to
dispose of land
prior to time of
redemption under
certain circumstances.

SEC. 129. After any piece or parcel of land shall have been bid in for the state, and at any time before the time to redeem expires, and while the same shall remain unredeemed, the county auditor shall assign the right of

the state in such piece or parcel of land to any person who shall at any time before the time for redemption expires, pay the amount for which the same shall have been bid in, with interest, and the amount of any subsequent taxes, penalty and interest upon the same, and shall execute to such persons an assignment which may be substantially in the following form :

WHEREAS, at the sale of lands pursuant to the tax judgment entered in the district court, in the county of —, on the — day — in proceedings to enforce the payment of taxes for the county of —, which sale was had on the — day of —, the following described piece or parcel of land, situate in said county of —, state of Minnesota, to-wit :

(Here insert description.)

Was bid in for the state, and on this day — having paid into the treasury of said county the amount for which the same was so bid in, and all subsequent taxes, penalties and interest, amounting in all to — dollars, thereupon, pursuant to the law in such case made and provided, the whole right, title and interest of said state in or to said piece or parcel of land acquired at said sale, is hereby assigned to said —, his heirs and assigns forever.

Form of assignment.

Witness my hand and seal, this — day of —.

[L.S.]

Which assignment [auditor] of the county of —.

Which [assignment] may be recorded as other deeds of real estate, and the record thereof shall have the same force and effect, in all respects, as the records of such deeds, and the same, or the record thereof, shall be evidence in like manner.

SEC. 130. If at said sale any piece or parcel of land shall be taken by any purchaser for a term of two years or less, the same shall not be subject to redemption ; if the same shall be taken for a longer time than two years, or the fee shall be sold, or the piece or parcel bid in for the state, the same may be redeemed at any time within two years from the day of sale, by any person who shall pay into the treasury of the county, to the use of the person thereto entitled

when land subject to redemption.

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First.—If such piece or parcel shall have been bid in for the state, and the right of the state shall not have been assigned, the amount for which the same was bid in, with interest, and the amount of subsequent taxes, penalties and interest.

Second.—If the right of the state shall have been assigned, the amount paid by the assignee with interest from the day when so paid, and all unpaid taxes, interest and penalties that may have accrued on such piece or parcel after such assignment, and if he shall have paid any taxes, penalties or interest accruing subsequent to the assignment, the amount so paid by him with interest from the day of such payment.

Third.—If the same shall have been sold to a purchaser, the amount paid by such purchaser with interest, and if he shall have paid any taxes, penalties or interest, accruing subsequent to the sale, the amount so paid by him with interest from the day of paying the same, and all unpaid taxes, interest and penalties accruing subsequent to such sale. Upon such redemption, the auditor shall execute to the person redeeming, a certificate, which may be substantially in the following form :

Form of certificate.

I ———, the auditor of the county of ———, state of Minnesota, do hereby certify that on ——— day of ———, 18—, ——— paid into the treasury of the county the sum of ———, for redemption of the following described piece or parcel of land, situate in the county of ———, state of Minnesota, to-wit :

(Insert description of land.)

from the sale thereof made on the ——— day of ———, pursuant to a tax judgment entered in the district court in the county of ———, on the ——— day of ———, in proceedings to enforce payment of taxes for the county of ———, and that said piece or parcel of land is redeemed from such sale pursuant to law.

Witness my hand and seal this ——— day ———, 18—

[L.S.]

Auditor of the county of ———.

And such certificate may be recorded as other deeds of real estate, and with like effect as evidence or otherwise. If the amount so paid for the purpose of redemption be less than that required by law, it shall not invalidate such redemption, but the auditor shall be liable for the deficiency to the person entitled thereto. Such redemption shall have the effect to annul the sale.

Minors, etc., may redeem within two years.

SEC. 131. Minors, insane persons, idiots or persons in captivity, or in any country with which the United States are at war, having an estate in, or lien on lands sold for taxes, may redeem the same within two years after such disability shall cease, but in such case the right to

redeem must be established in a suit for that purpose, brought against the party holding title under the sale.

SEC. 132. Any person who has or claims an interest in or lien on any undivided estate in any piece or parcel of land sold, may redeem such undivided estate, by paying into the treasury a proportionate part of the amount required to redeem the whole. And in such case the certificate shall express the estate or interest redeemed.

Redemption on undivided estate

SEC. 133. Upon application of the party entitled thereto the auditor shall give to such party his warrant upon the treasurer for any money paid into the treasury on the sale of any piece or parcel of land in excess of the amount due upon such piece or parcel at the time of the sale, or for any money paid in for redemption, which may be due to the purchaser at the sale, or other person appearing from his copy judgment book to hold the right derived at the sale.

SEC. 134. When any piece or parcel shall be bid in by the state, the sale shall not, until the right of the state be assigned as hereinbefore provided, or the time to redeem expires, or the piece or parcel be redeemed, operate as a payment of the amount for which the same is sold, but at any time after such sale the county auditor may make and file in the office of the clerk where the judgment is entered, an affidavit stating the amount for which such piece or parcel shall have been bid in for the state, that the right of the state has not been assigned, the date of the sale, that there has been no redemption, that the piece or parcel is rented, producing rent, and giving the name or names of the parties in possession, paying rent for the whole or some part thereof. Upon such affidavit being presented to the judge of the court, or court commissioner for the county, he shall endorse thereon an order directing an attachment to issue to attach the rents and profits of said piece or parcel of land. The clerk of the court shall thereupon issue a writ of attachment to the sheriff of the county, directing him to attach the rents accruing for such piece or parcel of land from any person, and collect therefrom the amount for which the same was bid in by the state, (stating such amount and the date of sale,) with interest accruing thereon, and his fees, and one dollar, the costs of the affidavit and attachment. The sheriff shall serve such writ by serving a copy thereof on each tenant, or person in possession paying rent for such piece or parcel, or any

Disposal of funds received in excess of amount due.

When writ of attachment to issue for rents and profits; by whom writ served.

Sheriff to receive
rents as they
shall become due.

part thereof; and upon such service, the same shall operate as an attachment of all rents accruing after such service from the person upon whom service is made. And as they become due, the sheriff shall receive such rents, and may bring suit in his own name, and collect the same in any court having jurisdiction, and shall pay into the treasury of the county the amount by him received or collected; and no payment of rents by any person so served, after such service or prior thereto, for the purpose of defeating such attachment, shall be valid against such attachment. Any person in possession under a lease of any piece or parcel of land, or any part thereof, against which a judgment shall have been rendered, may pay to the treasurer of the county the amount due on such judgment, and if the piece or parcel shall have been bid in for the state may at any time before the time to redeem shall expire, or the right of the state be assigned, or the piece or parcel be redeemed, redeem the same, and the amount paid by him shall operate as a payment of the same amount of rent, accruing after such sale, to the party from whom he rents.

Fees of clerk of
court.

Fees of sheriff.

SEC. 135. The fees of the clerk of the court in said proceedings shall be as follows: For all services (except oaths administered to witnesses on trial) to and including the entries to be made by him on the right hand page of the real estate tax judgment book, twenty-five cents for each and every description, which with ten cents per description of publication of the notice and list, shall be included in the amount charged to each description in the judgment; for each oath administered to witnesses, on the trial of any answer, twenty-five cents, which shall be included in any amount charged by the judgment against any piece or parcel with respect to which the oath was administered; for issuing a writ of attachment as herein provided, including the filing of the affidavit and order of allowance, and filing the writ and return when returned, seventy-five cents. All which fees shall be paid to him by the county in which the taxes are levied. To the sheriff shall be allowed for serving the writ of attachment provided by the preceding section, and receiving or collecting the money, the same fees as are allowed by law upon an execution in a civil action; and in case he brings suit as herein provided, such additional compensation as the district court may allow.

SEC. 136. The county commissioners shall let the advertising provided in section one hundred and twelve of this act, to the party who will offer to do the same, in some newspaper which shall have been published and circulated for at least four months prior to the time of publishing, for the lowest sum, not exceeding fifteen cents for each description, and who shall give a bond to the county with at least two sureties, freeholders of the county, to be approved, and in an amount to be fixed by said county commissioners conditioned for the correct and faithful performance of such advertising; and in any suit by the county on such bond, for breach of the conditions thereof, the county shall recover as damages one-half of the taxes, penalty, and interest upon each piece or parcel of land in the copy list made by the clerk, which may be affected by any error in the publication of the notice and list, or either, as hereinbefore provided for.

Advertising to be let to lowest bidder.

SEC. 137. Whenever, at any sale provided in this act, any person shall have purchased any piece or parcel of land for a term of two years or less, and received a certificate therefor, he shall be entitled to the immediate possession of such piece or parcel, and if on demand and presentation of such certificate to the party or parties in possession, such party or parties refuse or neglect to render such possession, such party or parties may be proceeded against as persons holding over after the determination of his or their estate, which proceedings may be instituted and prosecuted pursuant to the provisions of chapter eighty-four of the general statutes. When any piece or parcel shall have been purchased for a term exceeding two years, the purchaser shall, if there be no redemption, be entitled to such possession, rents and profits at the end of two years from the day of sale, and the like proceedings may be had to obtain such possession.

When entitled to possession of premises.

SEC. 138. When a sale of lands, as provided in this act, is declared void by judgment of court, the judgment declaring it void shall state for what reason such sale is declared void. And if it be declared void by reason of anything occurring or omitted to be done, subsequent to the entry of the judgment directing the sale, the money paid by the purchaser at the sale or by the assignee of the state upon taking the assignment, shall, with interest at the rate of twelve per cent. per annum from the date of such payment, be refunded to the purchaser or assignee, or the party holding his right, out of the county

Sale may be declared void.

treasury on the order of the county auditor, and so much of said money as has been paid into the state treasury shall be charged to it by the county auditor and deducted from the next money due the state on account of taxes. *Provided*, That if such purchaser or assignee, or party holding his right, shall, after such purchase or assignment from the state, have paid taxes, penalties and interest upon such piece or parcel of land, he shall have a lien on such piece or parcel for the amount of taxes, penalties and interest so paid, with interest at the rate by this act allowed, and may enforce such lien by action, or if he be in possession of such piece or parcel, shall not be ejected therefrom until such amount and interest shall be paid.

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Penalty after
taxes become de-
linquent.

SEC. 139. After taxes upon lands shall have become delinquent as provided in this act, they shall be subject to a penalty of ten per cent. on the amount of such tax; and such tax and penalty shall bear interest from the time when the tax shall become delinquent, at the rate of two per cent. per month, which penalty and interest shall be included in the judgment against such lands. The amount charged by the judgment against any piece or parcel of land shall bear interest at the rate of two per cent. per month from the date of the judgment, which interest shall be included in the amount for which such piece or parcel shall be sold. The amount for which any piece or parcel shall be sold or bid in for the state, shall bear interest until redemption at the rate of two per cent. per month, and the amount paid by any assignee for the right of the state shall bear interest at the same rate until redemption. All [penalties and] interest accruing before redemption, sale or assignment, shall be apportioned to the county [revenue] fund. The amount paid by any purchaser or assignee of the state for taxes, penalties and interest accruing subsequent to the sale or assignment, shall bear interest at the same rate until redemption.

Clerk to file all
lists, notices, &c.

SEC. 140. The clerk shall attach together and keep on file in his office the list, notice, affidavit of publication, one copy of the newspaper and supplement, if any, in which the notice and list were published, all answers, all errors made in the proceedings, and all affidavits and other papers filed in the course of the proceedings.

SEC. 141. Whenever any assignment of any right derived from a sale provided for in this act, shall be made before the time for redemption expires, the assignee

shall present the assignment to the auditor, who shall note on the copy judgment book provided by section one hundred and twenty-two [one of this act,] the name of the assignee and date of assignment, and endorse on such assignment the word "countersigned," and sign his name to the same, and no such assignment shall be recorded by the register of deeds until such endorsement is made.

Duty of county auditor in case of assignment.

SEC. 142. The fees of the county treasurer on all receipts for redemptions from tax sales under the provisions of this act, shall be twenty-five cents for each redemption certificate which shall be paid by the party redeeming from such sale.

Fees of county treasurer.

SEC. 143. Every county auditor hereafter delivering any certificate of purchase of lands sold for taxes, or assignment of the same, shall immediately on his tax list transfer the same to the name of the purchaser, charging the sum of ten cents for each tract or lot, which shall be considered part of the expenses of the sale; and if any county auditor neglects to make such transfer, he is liable to an action by any person injured thereby, as for neglect of official duty.

Upon delivering certificate of purchase, duty of county auditor.

SEC. 144. When an alteration of any entry on the tax list becomes necessary, by reason of the partition of any tract of land, or town lot, the county auditor, on receiving information thereof, shall transfer to the several parties in partition the portion set apart to each, particularly describing the parts so transferred; and shall apportion and transfer the valuation of such land or town lot to the several parties in proportion to their respective interests therein, previous to said partition.

In case of partition of property, transfer to be made.

SEC. 145. When the county auditor is satisfied that the transfer of any land or town lot, or any part thereof, has become necessary by reason of a sale thereof, or any part thereof, for taxes, a sale by a sheriff or other officer, by virtue of an execution, order or judgment of court, or by reason of a devise or descent, he shall make such transfer; and in such case, if a part only of the tract of land or town lot is transferred, the proportion of the valuation to be transferred therewith shall be ascertained by the assessor, and for that purpose the auditor shall furnish the assessor with a list of such lands and town lots, at the time specified in this act for delivering the assessment books to the assessor.

County auditor to furnish assessor list of land transferred.

SEC. 146. When the transfer of any land or town

lot, or any part thereof becomes necessary by reason of a sale or conveyance by deed, and such conveyance is of the entire tract or lot, or part thereof, as charged on the tax list, such transfer shall be made by the county auditor, upon the presentation of such deed and the payment of all taxes that may be due on such tract or lot by the purchaser or his agent; and in case such conveyance is of less than the whole tract or lot, or part thereof as charged on the tax list, said county auditor shall transfer the same whenever the seller and purchaser agree thereto in writing, signed by them, or personally appear before the auditor and agree upon the amount of valuation to be transferred therewith; but if the seller and purchaser cannot agree as to the amount of valuation to be transferred, the auditor shall place said portion of land or lot on the list, to be by him made according to the preceding section; and the value thereof shall be ascertained by the assessor at the same time and in the same manner as other lands contained in said list; *Provided*, That if the county auditor is satisfied that the proportion of the valuation so agreed to be transferred, is greater than the proportional value of the land or lot to be transferred therewith, and that such agreement was made by collusion of the parties, and with a view fraudulently to evade the payment of any taxes which might be legally assessed on the entire tract or lot, he may refuse to make such transfer; and when any such transfer has already been procured by fraudulent agreement, the same shall be cancelled by the auditor, and the land or lot so transferred be charged with taxes in the same manner as though said transfer had not been made; and such auditor shall endorse on all deeds of conveyance presented to him for transfer, a statement with his signature thereto, that the proper entry of such transfer has been made in his office, unless said deed is of land not entered for taxation on his books, in which case he shall endorse thereon "not entered for taxation."

When authorized
to make transfer.

When justified in
refusing to make
transfer.

SEC. 147. When any deed is presented to the county auditor for transfer, he shall ascertain from the books and records in his office if there be delinquent taxes due upon the land described therein, or if it has been sold for taxes, and if there are delinquent taxes due, he shall certify to the same, and when the receipt of the county treasurer shall be produced for the said delinquent taxes and

for the taxes that may be in the hands of the said county treasurer for collection, the county auditor shall enter upon every deed of real property so transferred over his official signature "taxes paid and transfer entered," or if the land described has been sold for taxes, "paid by sale of land described within;" and unless such entry is made upon any deed, the register of deeds shall refuse to receive or record the same; and any violation of the provisions of this section by the register of deeds shall be deemed a misdemeanor, and upon conviction thereof he shall be punished by a fine not exceeding one thousand dollars nor less than one hundred dollars, and he shall be liable to the grantee of any instrument so recorded for the amount of damages sustained.

In case of delinquent taxes due on land, to be transferred; to be so certified to by auditor.

Misdemeanor.

SEC. 148. No plat of any town site, or addition thereto, or of any change therein, or order of any court, vacating, altering or changing, in any manner, any town site, or addition thereto, nor any certificate of sale of any real estate, shall be recorded by the register of deeds, unless the proper county auditor's certificate is endorsed thereon, showing that all taxes on such town site, or addition, or certificate of sale, are paid.

Auditor's certificate to be attached to certain documents.

SEC. 149. The county auditor shall annually, on or before the first day of May [last Saturday of April,] make out and deliver to the assessor an assessment book or list of all lands and town lots within his county which are found from his knowledge, or from the certificate of the auditor of state, or from the certificate of the railroad commissioner, or from the certificate of the register of any United States land office, to have become subject to taxation, and which have not been appraised for that purpose, directing such assessor to assess the same, and make return thereof; and it is hereby made the duty of the county auditor to obtain during the month of April in each year, from the register of the United States land office of the district in which his county may be situated, a certified list of all lands which may have become subject to taxation since the last annual assessment.

Duty of auditor to obtain certified list of land subject to taxation from register of land office.

SEC. 150. In all cases where any tract or lot of land is divided in parcels, so that it cannot be described without describing it by metes and bounds, it shall be the duty of the owner to cause such land to be surveyed and platted into lots. Such plat shall be certified to and recorded. The description of real estate in accordance with the number and description set forth in the plat

When tract may be surveyed.

aforesaid, shall be deemed a good and valid description of the lot or parcel of land so described.

Expense of survey, how paid; in case owner refuse to do so.

SEC. 151. If the owner of any such tract or lot shall refuse or neglect to cause such survey to be made within thirty days after being notified by the county auditor, the auditor shall cause such survey to be made and recorded; and the expense thereof shall be added to the tax levied on such real property, and when collected, shall be paid on demand to the persons to whom it is due.

How land may be described.

SEC. 152. It shall be sufficient to describe lands in all proceedings relative to assessing, advertising or selling the same for taxes, by initial letters, abbreviations and figures to designate the township, range, sections or parts of a section, and also the number of the lots and blocks. Whenever the abbreviations "do" or characters " , " or any similar abbreviation or character shall be used in any such proceedings, they shall respectively be construed and held as meaning and being the same name, word, initial, letter or letters, abbreviations, figure or figures as that last proceeding such "do," " , " , or other similar character.

Duty of auditor in case false statement returned.

SEC. 153. The county auditor, if he has reason to believe or is informed that any person has given to the assessor a false statement of his personal property, or that the assessor has not returned the full amount required to be listed in his township or district, or has omitted or made an erroneous return of any property which is by law subject to taxation, shall proceed at any time before the final settlement with the county treasurer, to correct the return of the assessor, and to charge such persons on the tax lists with the proper amount of taxes; to enable [him] to do which, he is hereby authorized and empowered to issue compulsory process, and to require the attendance of any person whom he may suppose to have a knowledge of the articles or value of the personal property, and to examine such person on oath in relation to such statement or return; and the auditor in all such cases shall notify every such person before making the entry on the tax list, that he may have an opportunity of showing that his statement or the return of the assessor is correct; and the county auditor shall, in all cases, file in his office a statement of the facts or evidence upon which he made such corrections; but he shall in no case reduce the amount returned by the assessor, without the written assent of the auditor of state, on a statement of

facts submitted by the county auditor. In all cases in which any person makes a false statement of the amount of property for taxation, to evade the payment of taxes in whole or in part, the person making such false statement shall be liable for and pay all costs and expenses that may be incurred under the provisions of this act, and the same fees and costs shall be allowed and paid as now are, or may be allowed by law for similar services, and if not paid, may be collected before any justice of the peace of the proper county by action in the name of the county commissioners; but in all cases where the statement is found correct, and there is no intention to evade the payment of taxes, the costs and expenses incurred under this section shall be paid out of the county treasury of the proper county, on the order of the county auditor.

Costs and expenses, how paid,

Sec. 154. Whenever it shall come to the knowledge of any assessor, who shall have in his hands the assessment list for his district for the purpose of assessment, that any piece or parcel of land or improvement thereon within his district, which was liable to be assessed for taxes for any prior years since the year 1866, but which, from any cause, shall not have been assessed for such years, it shall be his duty to enter such lands or improvements upon the assessment list; and from the best means in his power to ascertain the value of such lands or improvements, for each of such years, and to enter such values for each of such years, in such list, opposite the description of each of such pieces or parcels of lands. The town board of review shall revise and correct such valuations, from the best means within their power, and if the assessor shall have omitted from such assessment list any piece or parcel so liable to assessment, but omitted for prior years, such board shall enter in such list such pieces or parcel so omitted by the assessor, with the value for each of the years for which such assessment shall have been omitted, which value such board shall ascertain from the best sources within their power. If the town board of review shall have failed to insert in such assessment list any such piece or parcel omitted by the assessor, the county auditor shall so insert the same in such list, with the values for the omitted years, as soon as he can ascertain such values. The county board of equalization shall revise and correct all entries in such rolls of values for prior years; and if it come to their knowledge that there are any pieces or parcels of lands

Amended 1875-ch 5 Sec 46
Duty of assessor where property has not been listed or assessed prior years.

virtually repealed

Duty of county board of equalization.

Duty of state auditor in similar cases

or the improvements thereon liable to be assessed for prior years, and which have not, when such list came before them for equalization, been already entered in such list, they shall proceed to enter the same, with the values thereof for such years. No such charge for tax and interest, as provided in this section, shall be made against any property prior to the date of ownership of the person owning such property at the time the liability for such omitted tax was ascertained. Whenever the state auditor shall learn of any pieces or parcels of land, in any county, which have been omitted from prior assessment for taxes, for any years for which they were liable to such assessment, it shall be his duty to notify the auditor of the proper county thereof. Upon such values being so ascertained, the county auditor shall levy upon such pieces or parcels the same rate of tax for each purpose, for the years for which such lands shall not have been assessed, as was levied upon other property for such years in the same town or district. The taxes levied pursuant to this section shall be collected in the same manner as other taxes.

Amended

Liability for tax-
ation on property
defective description.

1875-ch 1

See 47

18 41

SEC. 155. If any real or personal property shall be omitted in the assessment of any year or number of years, or the tax thereon for which such property was liable from any cause has not been paid, or if any such property by reason of defective description or assessment thereof, shall fail to pay taxes for any year or years, in either case the same, when discovered, shall be listed and assessed by the assessor and placed on the assessment and tax books. The arrearages of tax which might have been assessed, with ten per cent. interest thereon from the time the same ought to have been paid, shall be charged against such property by the county auditor.

When tax of one year may be added to that of a succeeding year.

SEC. 156. If any tax on any property liable to taxation is prevented from being collected for any year or years by reason of any erroneous proceedings, or other cause, the amount of such tax which such property should have paid, shall be added to the tax on such property for the next succeeding year.

No charge to be made prior to ownership.

SEC. 157. No such charge for tax and interest for previous years, as provided for in the preceding sections, shall be made against any property prior to the date of ownership of the person owning such property at the time the liability for such omitted tax was ascertained; *Provided*, that the owner of property, if known, assessed

under this and the preceding section, shall be notified by the assessor or auditor, as the case may require.

SEC. 158. It shall be unlawful for the corporate authorities of any county, township, city, town or village, unless specially and expressly authorized by law, to contract any debt or incur any pecuniary liability for the payment of either the principal or interest, for which, during the then current year or any subsequent year, it will be necessary to levy on the taxable property of such county, township, city, town or village, a higher rate of tax than the maximum rate prescribed by this act. Limitation of indebtedness.

SEC. 159. Every contract made in contravention of the provisions of the foregoing section shall be utterly null and void in regard to any obligation thereby imposed on the corporation on behalf of which such contract purports to be made; but every commissioner, officer, agent, supervisor or member of any municipal corporation that makes or participates in making, or authorizes the making of any such contract shall be held individually liable for its performance; and every commissioner, supervisor, director or member of any city, town, or village council, or other officer or agent of any such municipal corporation present when any such unlawful contract was made or authorized to be made, shall be deemed to have made or to have participated in making, or to have authorized the making the same, as the case may be, unless, if present, he dissented therefrom, and entered, or caused to be entered, such dissent on the records of such municipal corporation, or of its councils, supervisors, or other officers or agents. When contract null and void.

SEC. 160. Every county auditor, and every district and township assessor who in any case refuses or knowingly neglects to perform any duty enjoined on him by this act, or who consents to or connives at any evasion of its provisions, whereby any proceeding required by this act is prevented or hindered, or whereby any property required to be listed for taxation is unlawfully exempted, or the valuation thereof is entered on the tax list at less than its true value, shall, for every such neglect, refusal, consent or connivance, forfeit and pay to the state not less than two hundred nor more than one thousand dollars, at the discretion of the court, to be recovered before any court of competent jurisdiction. Penalty for neglect.

SEC. 161. Whenever a civil action is commenced against any person holding the office of county treasurer

Expense of conducting civil actions against county officers, how paid.

or county auditor, or other county office, for performing or attempting to perform any duty authorized or directed by any statute of this state for the collection of the public revenue, such treasurer, auditor or other officer shall be allowed and paid out of the county treasury, reasonable fees of counsel and other expenses for defending such action, and the amount of any damages and costs adjudged against him, which said fees, expenses, damages and costs shall be paid from the county revenue fund.

Delinquent taxes of non residents, how collected.

SEC. 162. If any delinquent tax payer is not a resident of this state, and has property, moneys, or credits due, or to become due, in this state, the treasurer of the county where such property may be, or in which such personal tax was assessed, shall proceed to collect the same by distress, attachment or other process of law.

No informality in making assessment to invalidate tax.

SEC. 163. No assessment of real or personal property or charges for taxes thereon, shall be considered illegal on account of any informality in making the assessment or in the tax list, or on account of the assessment not being made or completed within the time required by law. Any failure to deliver the county treasurer's books within the time required by this act, shall in no way affect the validity of the assessment and levy of taxes; but in all cases of such failure, the assessment and levy of taxes shall be held to be as valid and binding as if said books had been delivered at or within the time required by law. No sale of real estate for taxes shall be considered invalid on account of the same having been charged in any other name than that of the rightful owner.

Taxes improperly levied may be refunded.

SEC. 164. The board of county commissioners of each county shall have power to order any tax which has been improperly levied or paid by mistake, to be refunded by the county treasurer, and the taxes so refunded shall be chargeable to and be deducted from the several funds on account of which the same were collected, in the hands of the county treasurer; *Provided*, That all applications for relief under this section shall be made within one year from the first day of January next ensuing the levy of such tax; and all abatement of state taxes under the provisions of this act shall be reported by the county auditor, under seal of his office, to the state auditor, at the time of making settlement on the last day of September in each year.

SEC. 165. The lien of the state for the taxes levied for all purposes in each year, as between grantor and grantee, shall attach on the first day of December, and all personal property subject to taxation is liable to be seized and sold for taxes levied thereon, and the personal property of any deceased person is liable, in the hands of any executor or administrator, for any tax due on the same by any testator or intestate.

When tax to become a lien upon property.

SEC. 166. The auditor of state shall, with the advice of the attorney general, decide all questions which may arise as to the true construction of this act, or in relation to any tax levied, or proceeding under the same, and such decision shall be binding until amended or reversed by the judgment or decree of a court of competent jurisdiction.

State auditor to solve all questions arising under the provisions of this act.

SEC. 167. The taxes assessed and levied for the year one thousand eight hundred and seventy-three, shall become delinquent at the time prescribed in this act, and all proceedings to enforce payment or collection thereof shall be had under the provisions of this act.

Taxes assessed for 1873 payable under provisions of this act.

SEC. 168. Chapter eleven of the general statutes of this state, and all other acts and parts of acts inconsistent with this act, are hereby repealed, except that all rights heretofore acquired under any act hereby repealed shall not be affected hereby. The fees to be received by any officer for services to be performed as in this act prescribed, shall be as herein provided, except the county commissioners of any county may by resolution prescribe a less sum, or any sum less than herein provided, which shall be fixed by such commissioners, shall be deemed the legal fees for such services.

Repeal of inconsistent acts.

31 Mar 36

SEC. 169. This act shall take effect and be in force from and after the first day of May, one thousand eight hundred and seventy-four.

When act to take effect.

Approved March 9, 1874.

CHAPTER II.

AN ACT TO ENFORCE THE PAYMENT OF TAXES WHICH BECAME DELINQUENT IN AND PRIOR TO THE YEAR EIGHTEEN HUNDRED AND SEVENTY-THREE.

Be it enacted by the Legislature of the State of Minnesota:

County auditor
to make out list
of delinquent
taxes.

When list to be
filed with clerk
of court.

SECTION 1. The auditor of each county shall make a list of all taxes upon real estate in his county, which appear from the records and papers in his office to have become delinquent in the year eighteen hundred and seventy-three, or any prior year or years, and which taxes have not been satisfied by payment or redemption or sale of the real estate to actual purchasers, or sale as provided in section one hundred and twenty-nine of chapter eleven of the general statutes. Such list shall include such taxes upon any real estate which may at any tax sale have been struck off to or declared to become forfeited to the state, whether such sale or forfeiture was valid or invalid. The list shall contain a description of each piece or parcel of land upon which such taxes shall not have been paid as aforesaid, and opposite such description the name of the owner to whom assessed, if known, and if unknown shall so state, for each year, and the amount of such tax for each year. He shall attach to such list his affidavit to the effect that the same is a correct list of the taxes upon real estate in his county, for the years therein stated, and which have not been paid into the treasury of the county. He shall on the first Monday in August, 1874, file such list in the office of the clerk of the district court in the county, or if such county is attached for judicial purposes to some other county, then in the office of the clerk of said court in that county. The filing of such list shall have the force and effect of the filing of a complaint in an action by the county against each piece or parcel of land in such list described, to enforce against it the taxes therein appearing against it, and the penalties and interest for the several years for which such taxes shall remain unpaid, and to obtain a judgment or decree of the court for the

sale of such piece or parcel of land to satisfy the amount of such taxes remaining unpaid, with penalties, interest and cost. And, also, the effect of a notice of the pendency of such notice [action.]

SEC. 2. At the time of filing such list, or at any time before a judgment shall be rendered against any piece or parcel therein, if the amount of taxes, exclusive of penalties and interest appearing in such list against said piece or parcel, shall exceed the sum of one hundred dollars, the auditor may make an affidavit to the effect that such piece or parcel is wholly or in part rented, rendering rent, and in presenting such affidavit to the judge of the court, or the court commissioners of the county in which the proceedings are pending, he shall endorse thereon an order allowing an attachment to issue to attach such rents. Upon such affidavit and order being filed with the clerk, he shall issue to the sheriff of the county a writ of attachment, stating the amount of taxes, interest, penalties and costs appearing from said list to be due on such piece or parcel of land, and directing him to attach the rents thereof, and receive and collect the same to the amount stated in said writ, with interest and his fees for collecting, and one dollar, the cost of the affidavit and writ. The sheriff shall serve such writ by serving a copy thereof upon each tenant or person in possession of said piece or parcel of land, or any part thereof. Such service shall have the effect to attach all rents accruing after such service, from the person served. And, as such rents become due, the sheriff may receive the same, or collect the same by suit in his own name before any court of competent jurisdiction. And no payment of rents so attached after service of said writ, or payment of rents made in advance to defeat such attachment shall be valid as against such attachment. Three days before any such sale of lands as hereinafter provided, the sheriff shall make and deliver to the auditor a statement in writing, showing how much he has received or collected under the attachment in his hands, from each piece or parcel of land therein described, and if he shall have received or collected upon any attachment the amount therein specified, he shall return such writ to the clerk, but shall retain such writs as have not been satisfied. Upon making any sale of lands the auditor shall deduct from the amount charged by the judgment against any piece or parcel of land, the amount

When writ of attachment to issue.

By whom writ to be served and collections to be made.

Upon payment of
tax, penalties
and costs, pre-
mises to be re-
leased from writ.

which the sheriff shall have received or collected from the rents of the same, and shall sell said piece or parcel only for the residue. If, at such sale, any piece or parcel of land shall be let or sold to a purchaser, as soon as such purchaser shall have paid the purchase money, the auditor shall direct the sheriff forthwith to return any writ of attachment in his hands against such piece or parcel. If any piece or parcel shall be bid in for the state, the sheriff holding an attachment against the same shall continue to receive and collect the rents of such piece or parcel the same as though such sale had not been had. If the tax and interest, penalty and costs on any piece or parcel of land against which an attachment shall have issued, be fully paid before sale, with the accrued costs of the writ and sheriff, the auditor shall forthwith direct the sheriff to return such writ.

SEC. 3. When the list required by section one of this act shall have been filed, the clerk shall forthwith make a copy thereof, and attach thereto a notice which may be in the following form :

State of Minnesota, } ss. District Court.
County of ———. } ——— Judicial District.

Form of notice
to owners of
property delin-
quent.

The State of Minnesota: To all persons or corporations who have or claim any estate, right, title or interest in or claim to or lien upon any of the several pieces or parcels of land in the list hereto attached described.

The list of taxes upon real estate which appear from the records and papers in the office of the county auditor of the county of ———, to have become delinquent in the year 1873 and all prior years, and which have not been in any manner paid into the treasury of said county, having been filed as required by law in the office of the clerk of the court in the county of ——— of which list that hereto attached is a copy. Therefore you and each of you are hereby required to file in the office of clerk of said court, within twenty days after the last publication of this notice, your answer in writing, setting forth any objection or defence you may have to the taxes or any part thereof, or the penalties or interest thereon upon upon any piece or parcel of land described in said list is, to or on, which you have or claim any estate, right, title, interest, claim, or lien, and in default thereof judgment will be entered against such piece or parcel of land for

the taxes in said list appearing against it and for all penalties, interest and costs.

Signed, _____,

Clerk of the District Court
in the County of _____.

Copy of the List.

SEC. 4. The county auditor shall cause the said notice and list to be forthwith published once in each of three consecutive weeks in some newspaper of general circulation, printed in the English language, published in the county in which said real estate is situate, if there be one; if there be none, then in some such newspaper published in the county where the proceedings are instituted, or if there be no such newspaper published in either county, then in some newspaper published within the judicial district. The newspaper in which such publication shall be made shall be designated by a resolution of the board of county commissioners of the county in which the taxes are laid, at least ten days before the filing of such list, a copy of which resolution certified by the county auditor shall be filed in the office of the clerk of the court. The owner, publisher, manager, or foreman in the printing office of the newspaper in which such notice and list shall be published, shall make and file with the clerk an affidavit of such publication, stating the day in which each publication was made, and shall also file with the clerk three copies of each number of the paper and supplement, if any, in which the notice and list shall have appeared. The publication may be made in such newspaper, or partly in such newspaper and partly in a supplement issued therewith.

Publication of
notice.

Affidavit of pub-
lication to be filed
with clerk.

SEC. 5. Any person, company or corporation having any estate, right, title or interest in or lien upon any piece or parcel of land embraced in said list as published, may within twenty days after the last publication of said notice, file in the office of said clerk an answer verified as pleadings in civil actions, setting forth his defence or objections to the tax or penalty against such piece or parcel of land, which answer need not be in any particular form, but shall clearly refer to the piece or parcel of land intended, and set forth in ordinary and concise language the facts constituting the defence or objections to such taxes or penalties, and if the list shall embrace the taxes for two or more years, the defence or objections

Persons having
lien upon land in
published list,
how to proceed.

may be to the taxes or penalty for one or more of such years.

When clerk to
enter judgment
against delin-
quents.

Sec. 6. Upon the expiration of twenty days from the last publication of said notice and list the said clerk shall, the affidavit of publication being filed, enter judgment against each and every of such pieces or parcels as to which no answer shall have been filed, which judgment shall include all of such pieces or parcels, and shall be substantially in the following form :

State of Minnesota, }
County of _____. } ss. — District Court.

In the matter of the proceeding to enforce payment of the taxes on real estate remaining delinquent in and prior to the year 1873 for the county of _____, State of Minnesota.

A list of taxes on real property delinquent in and prior to the year 1873 for said county of _____ having been duly filed in the office of the clerk of this court, and the notice and list required by law having been duly published as required by law, and no answer having been filed by any person, company or corporation to the taxes upon any of the pieces or parcels of land hereinafter described, and more than twenty days having elapsed since the last publication of said notice and list, it is hereby adjudged and decreed, that each piece or parcel of land hereinafter described is liable for taxes, interest, penalties and costs, to the amount set opposite the same as follows, to wit :

Tract 1, L. B. (Town or addition) _____ the year 187—, — dollars.

Tract 1, L. B. (Town or addition) _____ the year 187—, — dollars.

Tract 2. The N. E. 1-4 of S. E. 1-4 Sec. —, Town —, Range —.

Tract 3. The S. E. 1-4 of N. E. 1-4 Sec. —, Town —, Range —, for the year—

And the amount of taxes, interest, penalties and cost to which as hereinbefore stated, each of said pieces or parcels of land is liable, is hereby declared a lien upon such piece or parcel of land as against the estate, right, title, interest claim or lien of whatever nature in law or equity, of every person, company or corporation whatsoever. And it is adjudged, that unless the amount to which such of said pieces or parcels is liable be paid,

each of said pieces or parcels be sold as provided by law to satisfy such amount to which it is liable.

Signed : _____

Clerk of the District Court,

County of _____.

Such judgment shall be entered by the clerk in a book to be kept by him to be called the "real estate tax judgment book," and shall be dated and signed by the clerk. The judgment shall be written out on the left hand pages of such book, leaving the right hand pages blank for the entries hereinafter provided.

SEC. 7. If answer shall be filed within the time hereinafter provided, as to the taxes or penalties upon any pieces or parcels of land embraced in said list as published, such answers shall stand for trial at any general term of the district court in the county where such proceedings are pending, in session at the time when the time to file answers as aforesaid shall expire, or at the next general or special term appointed to be held in said county, and if general or special term shall be appointed held within thirty days thereafter, then the same may be brought to trial at any general term appointed to be held in the judicial district upon ten days' notice of the county attorney of the county in which said taxes are laid if there be one, and if there be none, then of the county in which such proceedings are instituted, to take charge of and prosecute such proceedings, but the county commissioners of the county in which such taxes are laid may employ any other attorney to assist such county attorney therein. At the term at which such proceedings come on for trial, they shall take precedence of all other business before the court. The court shall proceed without delay without a jury, and summarily hear and determine the objections or defences made by the several answers and shall dispose of all such answers and direct judgment accordingly at said term, and in the trial thereof shall disregard all technicalities and matters of form not affecting the substantial merits.

Delinquents in certain cases to be tried by courts.

SEC. 8. If after a hearing the court shall sustain the taxes and penalties in whole or in part, against any piece or parcel of land, judgment shall be rendered against all such pieces or parcels for the amount as to which such taxes and penalties shall be sustained against such pieces or parcels respectively, and the disbursement unless the court otherwise direct, which judgment may be substan-

In case court sustain the tax and penalties, how to proceed.

In case court sustain the defense, how to proceed.

tially in the form prescribed in section six of this act, except that it shall in addition state that the same was rendered after answer and trial, and after the description of each piece or parcel shall be stated the name of the person, company or corporation answering as to such piece or parcel. If the court sustain the defence or objections to the taxes and penalties as to any piece or parcel of land, the judgment shall, after the statement of the lands against which judgment is given, state that all other pieces or parcels not embraced in that or the prior judgment of the court, and which are described in the list as published, are discharged from the taxes in said list set down against such other pieces or parcels, and from all penalties, and the court may in its discretion award disbursement against the county laying such taxes and in favor of the party answering as to the pieces or parcels so discharged.

When court may reduce the amount of taxes levied.

SEC. 9. If all the provisions of the law in force at the time of such assessment and levy in relation to the assessment and levy of the taxes, shall have been complied with, of which the list so filed with the clerk shall be *prima facie* evidence, then judgment shall be rendered for such taxes and the interest, penalties and costs. But no omission of any of the things provided by law in relation to such assessment and levy, or of anything required by any officer or officers to be done prior to the filing of the list with the clerk, shall be a defence or objection to the taxes appearing upon any piece or parcel of land unless it be also made to appear to the court that such omission resulted to the prejudice of the party objecting, and that the taxes against such piece or parcel of land have been partially, unfairly or unequally assessed, and in such case, but no other, the court may reduce the amount of taxes upon such piece or parcel and give judgment accordingly. It shall always be a defence in such proceedings, when made to appear by answer and proofs, that the taxes have been paid, or that the property is lawfully exempt from taxation.

Judgment rendered by the court shall be final.

SEC. 10. The judgment which the court shall render shall be final, except that upon application of the county or other party against whom the court shall have decided the point raised by any defence or objection, the court may, if in its opinion the point is of great public importance, or likely to arise frequently, make a brief statement of the facts established bearing on the point

and of its decision, and forthwith transmit the same to the clerk of the supreme court, who shall enter the same as a cause pending in said court, and place the same on the term calendar of said court for the term then in session, or for the first term thereafter, and the same shall be entitled to a preference over any other business before said court, and shall be decided by said court at the term for which it shall be entered on the calendar. As soon as it shall be decided, the clerk of the supreme court shall enter the proper order and forthwith transmit a certified copy of such order to the clerk of the proper district court. *Provided*, That such proceeding shall in no case prevent the entry of judgment in the district court, nor prevent the sale of any piece or parcel of land pursuant to the judgment of the district court, unless at the time of applying for such statement an undertaking with at least two sureties, and in an amount to be approved by the judge of the district court, conditioned for the payment of the amount for which judgment shall have been rendered in the district court, and the interest and costs allowed by law, if the decision of the district court shall be affirmed, shall be filed with the clerk of the district court.

SEC. 11. When any tax judgment pursuant to this act shall be entered, the clerk shall forthwith deliver to the county auditor a certified copy of such judgment, written on the left hand pages of a book to be provided by the auditor, and if before sale, any person wishes to pay the amount adjudged against any piece or parcel of land the auditor shall give him a statement showing the amount so adjudged against such piece or parcel, and such person may present the same to the treasurer and pay to him such amount with interest and accrued costs, if any, and the treasurer shall thereupon give a receipt for such payment, and on the receipt being produced to the clerk, he shall enter on the right hand page of the real estate tax judgment book, and opposite the description of such piece or parcel, satisfaction of the judgment against the same.

Clerk to deliver to county auditor certified copy of such judgment.

SEC. 12. After forty days from the date of any tax judgment, if the amounts therein charged shall not have been paid, the auditor shall sell the pieces or parcels of land upon which taxes stand charged in said judgment. Before making such sale he shall give notice thereof, by posting such notice, one copy in the office of the clerk

When lands may be sold upon tax judgment—notice to be given.

where the judgment shall have been entered, one copy in the office of the treasurer, and one copy at the county seat of the county, in some conspicuous place, at least ten days before the day of sale, and by publishing such notice once in each of two successive weeks, the last publication to be not less than ten days before the day of sale, in some newspaper printed in the English language, and of general circulation, published in the county where such lands are situated, if there be one; if there be none, then in one published in the county in which the judgment shall have been rendered, or if there be none in either, then in one published in some county in the judicial district. Which notice may be substantially in the following form:

TAX JUDGMENT SALE.

Form of notice.

Pursuant to a real estate tax judgment of the district court in the county of —, entered the — day of —, in proceedings for enforcing payment of taxes upon real estate, for the county of —, in and prior to the year 1873, remaining delinquent, and of the statutes in such cases made and provided, I shall, on the — day of —, at ten o'clock in the forenoon, at —, in the town of — and county of —, sell the lands which are charged with taxes in said judgment, and on which such taxes shall not have been previously paid.

Signed, —, —,

County auditor, county of —.

At the time and place appointed in such notice, the auditor shall commence the sale of such lands, and proceed with the sale thereof from day to day, (Sundays and legal holidays excepted) until the whole shall be sold.

Lands to be sold
at public vendue

SEC. 13. The auditor shall sell by public vendue, each piece or parcel of land separately, in the order in which they are described in the judgment and by the description therein; but if the sum bid for any piece or parcel shall not be paid before the sale closes, he shall again offer such piece or parcel for sale. In offering the lands for sale he shall state the amount for which each piece or parcel is to be sold, and he shall first offer each piece or parcel to the bidder who will pay the amount for which it is to be sold for the shortest term of years in such piece or parcel. If no bidder shall offer to

pay such amount for any term of years in the piece or parcel so offered, he shall then offer the same in fee to the highest bidder who shall bid not less than the amount for which the same is to be paid [sold]. If no bidder offer to pay such amount for a term of years, and no bidder shall bid an amount equal to that for which the piece or parcel is to be sold, then he shall bid in the same for the state at such amount. The treasurer shall attend at the sale and receive all moneys paid thereon.

When may be bid
in for the State.

SEC. 14. The auditor shall execute to the purchaser of any piece or parcel a certificate, which may be substantially in the following form:

I, —, the auditor of the county of —, do hereby certify, that at the sale of lands pursuant to the real estate tax judgment entered in the district court in the county of —, on the — day of —, in proceedings to enforce the payment of taxes delinquent upon real estate for the county of —, which sale was held at —, in said county of —, on the — day of —, the following described piece or parcel of land situate in said county of —, state of Minnesota, to-wit: (Insert description) Was first offered to the bidder who would pay the amount for which the same was subject to be sold, for the shortest term of years in said piece or parcel.*

Form of tax certificate.

If there be a bidder for a term of years, here insert as follows:

And — having offered to pay, and having paid such amount, to wit: the sum of — for the term of — years, that being the shortest term for which any person offered to take said piece or parcel and pay said amount, I do, therefore, in consideration of the amount so paid and pursuant to the statutes in such cases made and provided, let the said piece or parcel of land to the said —, for the term — years from the date hereof, subject to any redemption provided by law.

Witness my hand and seal this — day of —.

Signed, —.

If no one shall offer to take such piece or parcel for a term of years, then after the asterisk* insert as follows:

And no person having offered to pay such amount, for a term of years, I did sell the fee of said piece or parcel of land to —, for the sum of —, that being the highest sum bid therefor; and he having paid said sum, I do, therefore, in consideration thereof, and pursuant to

the statute in such cases made and provided, convey the said piece or parcel of land in fee simple to the said — his heirs and assigns forever, subject to redemption as provided by law.

Witness my hand and seal this _____ day of _____.

Signed, _____.

If there be no bidder, then insert after the asterisk* as follows :

And there being no bidder upon that offer, I offered the fee of the same to the highest bidder, and no one bidding upon such offer an amount equal to that for which said piece or parcel was subject to be sold, I then bid in the same for the state, at such amount, being the sum of _____.

In consideration whereof and pursuant to the statutes in such cases made and provided, I do hereby convey said piece or parcel of land, in fee simple, to the state of Minnesota and its assigns forever, subject to redemption as provided by law.

Witness my hand and seal this _____ day of _____.

Signed, _____.

Certificate may be recorded as other deeds of real estate.

Such certificate, in case the land shall not be redeemed, shall pass to the purchaser or the state, the estate therein expressed, without any other act or deed whatever. Such certificates may be recorded as deeds of real estate. If any purchaser shall at said sale purchase more than one piece or parcel, or if more than one shall be bid in for the state, all of the pieces or parcels so purchased or bid in for the state may be included in the same certificate, but in all cases the certificate must state the amount at which each piece or parcel was sold or was bid in for the state.

Certificate deemed prima facie evidence that all requirements of law have been complied with.

SEC. 15. The certificate shall in all cases be *prima facie* evidence that all the requirements of law with respect to the sale have been duly complied with. And no sale shall be set aside or held invalid unless the party objecting to the same shall prove, either that the court rendering the judgment, pursuant to which the sale was made, had not jurisdiction to render the judgment, or that after the judgment and before the sale such judgment had been satisfied ; or that notice of sale, as required by this act, was not given, or that the piece or parcel of land was not first offered at said sale, to the bidder who would pay the amount for which the piece or parcel was to be sold for the shortest term of years ; nor unless the action in which the validity of the sale shall be called in ques-

tion shall be brought, or the defense alleging its invalidity be interposed within three years after the date of the sale.

SEC. 16. The county auditor shall immediately after such sale set out in his copy judgment book what disposition was made at said sale of each piece or parcel of land; if the same was let for a term of years, stating to whom and for what term; if sold in fee, to whom and for what amount; and if bid in for the state, then so stating, and upon any assignment or redemption he shall make a note thereof in said list opposite the piece or parcel assigned or redeemed. After he shall have set out in his copy judgment book what disposition was made at the sale of the several pieces or parcels of land, he shall deliver the same to the clerk of the court, who shall forthwith enter on the right hand page of the real estate tax judgment book, opposite the description of each piece or parcel let or sold, the words "satisfied by sale," and opposite each piece or parcel bid in for the state the words, "bid in for the state," and he shall thereupon re-deliver said copy judgment book to the auditor.

County auditor to keep record of disposition of each parcel of land; also clerk of court.

SEC. 17. Any person may become the purchaser at said sale. If the owner purchase, the sale shall have the effect to pass to him (subject to redemption as herein provided) every right, title and interest of any and every person, company or corporation, free from any claim, lien or incumbrance except such right, title, interest, claim, lien, or incumbrance, as the owner so purchasing may be legally or equitably bound to protest against such sale, or the taxes for which such sale was made.

Who authorized to purchase at such sale.

SEC. 18. The taxes for subsequent years shall be levied on lands so sold or bid in for the state in the same manner as though the sale had not been made, and if the purchaser or assignee of the state shall pay such taxes, the amount thereof, with interest from the date of payment, at the same rate as is provided upon the amount bid on the sale, shall be added to and be part of the money necessary to be paid for redemption from sale.

Taxes for subsequent years to be levied on lands sold and deemed part of redemption money.

SEC. 19. After any piece or parcel of land shall have been bid in for the state, and at any time before the time to redeem expires, and while the same shall remain unredeemed, the county auditor shall assign the right of the state in such piece or parcel of land to any person, who shall at any time before the time for redemption expires, pay the amount for which the same shall have been bid

Authorized to dispose of land prior to time of redemption under certain circumstances.

in, with interest, and the amount of any subsequent taxes, penalty and interest upon the same, and shall execute to such person an assignment which may be substantially in the following form :

Form of assignment.

Whereas, at the sale of lands pursuant to the tax judgment entered in the district court in the county of —, on the — day of —, in proceedings to enforce the payment of taxes for the county of —, which sale was had on the — day of —, the following described piece or parcel of land, situated in said county of —, state of Minnesota, to wit: (Here insert description) was bid in for the state, and on this day — having paid into the treasury of said county the amount for which the same was so bid in, and all subsequent taxes, penalties and interest, amounting in all to — dollars;

Therefore, pursuant to the law in such cases made and provided, the whole right, title and interest of said state in or to said piece or parcel of land, acquired at said sale, is hereby assigned to said —, his heirs and assigns forever.

Witness my hand and seal this — day of —.
— auditor of the county —

Which assignment may be recorded as deeds of real estate.

When land subject to redemption.

SEC. 20. Any person wishing to redeem from such sale may make such redemption at any time within two years by paying into the treasury of the county to the use of the person thereto entitled, or the fee shall be sold or the piece or parcel bid in for the state, the same may be redeemed at any time, within two years from the day of sale by any person who shall pay in to the treasury of the county to the use of the person thereto entitled

First.— If such piece or parcel shall have been bid in for the state, and the right of state shall not have been assigned the amount for which the same was bid in with interest, and the amount of subsequent taxes, penalties and interest.

Second.— If the right of the state shall have been assigned, the amount paid by the assignee, with interest from the day when so paid, and if he shall have paid any taxes, penalties or interest, accruing subsequent to the assignment, the amount so paid by him with interest from the day of such payment, and all unpaid taxes, interest and penalties that may have accrued on such piece or parcel after such assignment.

Third.—If the same shall have been sold to a purchaser the amount paid by such purchaser with interest, and if he shall have paid any taxes, penalties or interest, accruing subsequent to the sale, the amount so paid by him, with interest from the day of paying the same, and all unpaid taxes, interest and penalties accruing subsequent to such sale.

Upon such redemption the auditor shall execute to the person redeeming a certificate which may be substantially in the following form :

I ——— the auditor of the county of ——— State of Minnesota, do hereby certify that on the ——— day of ——— 18—— paid into the treasury of the county the sum of ——— for redemption of the following described piece or parcel of land situate in the county of ——— State of Minnesota, to-wit :

Form of certificate.

(Insert description of land.)

from the sale thereof made on the ——— day of ——— pursuant to a tax judgment entered in the district court in the county of ——— on the ——— day of ——— in proceedings to enforce payment of taxes for the county of ——— and that said piece or parcel of land is redeemed from such sale pursuant to law.

Witness my hand and seal this ——— day of ———.

Auditor of the county of ———.

And such certificate may be recorded. If the amount so paid for the purpose of redemption be less than that required by law it shall not invalidate such redemption, but the auditor shall be liable for the deficiency to the person entitled thereto. Such redemption shall have the effect to annul the sale.

SEC. 21. Minors, insane persons, idiots, or persons in captivity, or in any country with which the United States are at war, having an estate in or lien on lands sold for taxes, may redeem the same within two years after such disability shall cease, but in such case the right to redeem must be established in a suit for that purpose, brought against the party holding title under the sale.

Minors, etc., may redeem within two years.

SEC. 22. Any person who has or claims an interest in or lien on any undivided estate in any piece or parcel of land sold, may redeem such undivided estate by paying into the treasury a proportionate part of the amount required to redeem the whole estate, and in such case the certificate shall express the estate or interest redeemed.

Redemption on undivided estate.

Funds in excess
to be refunded.

SEC. 23. Upon application of the party entitled thereto, the auditor shall give to such party his warrant upon the treasurer for any money paid into the treasury on the sale of any piece or parcel of land in excess of the amount due upon such piece or parcel at the time of the sale, or for any money paid in for redemption, which he may pay to the purchaser at the sale, or other person appearing from his copy judgment book to hold the right acquired at the sale.

SEC. 24. Any person in possession under a lease of any piece or parcel of land, or any part thereof, against which a judgment pursuant to this act shall have been rendered, may pay to the treasurer of the county the amount due on such judgment, and if the piece or parcel shall have been bid in for the state, may before the right of the state shall be assigned, and before the time to redeem shall expire, redeem the same. And the amount paid by him shall, unless by the terms of his lease he is bound to pay such taxes, operate as a payment of the same amount of rent to the party from whom he leases.

Fees of clerk of
court.

SEC. 25. The fees of the clerk of the court in said proceedings shall be as follows: For all services (except oaths administered to witnesses on trial) to and including the entries to be made by him on the right-hand page of the real estate tax judgment book, twenty-five cents for each and every description, which, with fifteen cents per description of publication of the notice and list, shall be included in the amount charged to each description in the judgment. For each oath administered to witnesses on the trial of any answer, twenty-five cents, which shall be included in any amount charged by the judgment against any piece or parcel with respect to which the oath was administered. For issuing a writ of attachment, as herein provided, including the filing of the affidavit and order of allowance, and filing the writ, and return when returned, seventy-five cents. All which fees shall be paid to him by the county in which the taxes are levied. To the sheriff shall be allowed for serving the writ of attachment provided by section two, and receiving or collecting the money, the same fees as are allowed by law upon an execution in a civil action, and in case he brings suit as in section two provided, such additional compensation as the district court may allow.

Fees of sheriff.

SEC. 26. The county commissioners shall let the advertising, provided in section four of this act, to the party

who will offer to do the same in some newspaper which shall have been published and circulated for at least four months prior to the time of publishing, for the lowest sum, not exceeding fifteen cents for each description, and who shall give a bond to the county with at least two sureties, freeholders of the county, to be approved and in an amount to be fixed by said county commissioners, conditioned for the correct and faithful performance of such advertising. And in any suit by the county on such bond, for breach of the conditions thereof, the county shall recover as damages one half of the taxes, penalty and interest upon each piece or parcel of land in the copy list made by the clerk, which may be affected by any error in the publication of the notice and list, or either, mentioned in section three of this act, wherein the printer departed from the copy furnished him.

Advertising to be let to lowest bidder.

SEC. 27. When any piece or parcel of land shall be so sold the purchaser, after the time for redemption shall have expired, shall be entitled to the immediate possession of the piece or parcel purchased by him, and if on demand and presentation of the certificate of sale the persons in possession of the piece or parcel refuse or neglect to deliver such possession, such person may be proceeded against as a person holding over after the determination of his estate, which proceedings may be instituted and prosecuted under the provisions of chapter eighty-four of the general statutes.

When entitled to possession of premises.

SEC. 28. When a sale of lands, as provided in this act, is declared void by judgment of court, the judgment declaring it void shall state for what reason such sale is declared void; and if it be declared void by reason of anything occurring or omitted to be done, subsequent to the entry of the judgment directing the sale, the money paid by the purchaser at the sale, or by the assignee of the state upon taking the assignment, shall with interest, at the rate of twelve per cent. per annum, from the date of such payment, be refunded to the purchaser or assignee or the party holding his right, out of the county treasury, on the order of the county auditor, and so much of such money as has been paid into the state treasury, shall be charged to it by the county auditor, and deducted from the next money due the State on account of taxes. *Provided*, That if such purchaser or assignee or party holding his right shall after such purchase or assignment from the state, have paid taxes, penalties and interest upon

Sale may be declared void.

such piece or parcel of land, he shall have a lien on such piece or parcel for the amount of taxes, penalties and interest so paid, with interest at the rate by this act allowed, and may enforce such lien by action, or if he be in possession of such piece or parcel, shall not be ejected therefrom until such amount and interest shall be paid.

Penalty after
taxes become de-
linquent.

SEC. 29. Any person may pay the taxes mentioned in section one of this act, on or before the first day of August, 1874, by paying the amount of the tax for the several years, with interest at the rate of twelve per cent. per annum, from the time when the taxes for each year become delinquent, and without any other interest, penalty or costs, and such payment shall relieve the piece or parcel of land on which the taxes shall be so paid, from any forfeiture to the state, whether valid or invalid. Judgment rendered pursuant to this act shall bear interest at the rate of two per cent. per month; the amount for which any piece or parcel shall have been sold or bid in shall bear interest at the same rate from the date of the sale. All subsequent taxes paid by the purchaser or any assignee shall bear interest at the same rate from the date of such payment; the amount paid by any person taking an assignment of the right of the state shall bear interest at the same rate, from the time of such payment.

Duty of county
auditor in case
of assignment.

SEC. 30. Whenever any assignment of any right derived from a sale provided in this act, shall be made before the time for redemption expires, the assignee shall present the assignment to the auditor, who shall note on the copy judgment provided by section eleven the name of the assignee and date of assignment, and endorse on such assignment the word "countersigned," and sign his name to the same, and no such assignment shall be recorded by the register of deeds until such endorsement is made.

Record of cer-
tificate deemed
evidence.

SEC. 31. The record of certificates provided for in this act shall have the same force and effect as evidence, or otherwise as the records of deeds of real estate.

When taxes
deemed paid

SEC. 32. Any local assessment which any purchaser at a sale provided in this act, or any assignee of the state shall have paid upon any piece or parcel of land, shall if he shall have produced to the county auditor the proper receipt for such payment, and left with him a copy thereof, be deemed taxes paid by him within the meaning of section twenty of this act.

SEC. 33. The clerk shall attach together and keep in

his office the list, notice, affidavit of publication, one copy of the newspaper, and supplement, if any, in which the notice and list were published, all answers, all orders made in the proceedings, and all affidavits and other papers filed in the course of the proceedings.

Clerk to file all lists, notices, etc.

SEC. 34. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Repeal of inconsistent acts.

SEC. 35. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved March 9, 1874.

CHAPTER III.

AN ACT TO PROVIDE FOR THE LEVY AND COLLECTION OF TAXES UPON PROPERTY IN CASES WHEN SUCH PROPERTY HAS BEEN SUBJECT BY LAW TO TAXATION BUT THE LEVY OF TAXES THEREON HAVE BEEN OMITTED.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. In all cases when any buildings or lands in this state have heretofore been subject to taxation for any year or years, since the year one thousand eight hundred and sixty six, but the levy of taxes thereon for any such year or years has been omitted all such taxes the levy of which has been so omitted shall hereafter be levied upon such buildings and lands and collected in manner hereinafter provided.

When levy of taxes has been omitted, same to be collected.

SEC. 2. It shall be the duty of the state auditor on or before the first day of May next, after the passage of this act, to make a separate list of all lands in each county for each year, since the year one thousand eight hundred and sixty-five, and of all buildings standing upon lands owned by parties other than the owners of such buildings, upon which taxes were not levied for such year, but which were subject by law to taxation for such year. Such lists when made shall be forthwith forwarded by the state auditor to the auditors of the respective counties in which the land or buildings therein described are situated, such lists may be in the following form:

State auditor annually to make separate lists of property in counties upon which taxes were not levied.

List of lands and buildings situated in the county subject to taxation for the year A. D. 18—, upon which taxes run paid for that year.

Form of list.

Congressional Township.	Range.	Section.	Quarter section.	Value as fixed by county board.	Value as charged by state board of equalization.	Aggregate rate of tax.	Amount of Tax.
Buildings.							

State Auditor.

Chairman Board Co. Com.

County Auditor.

The duties hereby imposed upon the state auditor in the making up of such lists, shall extend only the insertion therein of the description of such tract of land and of each building therein specified.

Upon receipt of lists by county auditor, duty of said officer, also of county commissioners, &c.

SEC. 3. Upon receipt of any such list or lists by any county auditor, it shall be his duty to forthwith notify each county commissioner of his county of the receipt of such list or lists, and thereupon an extra meeting of the board of county commissioners of such county for the purpose set forth in this act, shall be called in the manner provided for in the general statutes of this state, to be held at a time and place in such call designated, not less than four weeks from the time of the making of such call and not later than the first day of August next after the passage of this act. After any such meeting shall have been called it shall be the duty of the county auditor of the county to give notice of the time and place of such meeting by publication of a notice in a newspaper published in his county, if there be any newspaper published therein, and if there be none then in a newspaper at the capital of this state. Such notice shall be published at least three times before the day appointed for such meet-

ing, and at intervals of not less than five days. Such notice may be in the following form :

State of Minnesota,
County _____,
Office of County Auditor. }

Notice is hereby given, that an extra meeting of the board of county commissioners of the county, for purpose set forth in an act of the legislature, entitled an act to provide for the levy and collection of taxes upon property in cases where such property has been subject by law to taxation but the levy of taxes thereon has been omitted," approved, Anno Domini one thousand eight hundred and seventy-four, will be held at _____, in _____, in this county, commencing on the _____ day of _____, Anno Domini one thousand eight hundred and seventy-four, at _____ o'clock, A. M.

_____,
County Auditor.

SEC. 4. The board of county commissioners shall meet at the time and place appointed therefor in such case [call,] and at such meeting shall add to the list aforesaid furnished by the state auditor, a description of each tract of land within the county, and of each building standing upon lands in the county, owned by parties other than the owners of such buildings not already upon such list, upon which taxes were not levied for the year for which such list shall have been made, which were subject by law to taxation for such year, but no accidental failure or omission by either the state auditor or the board of county commissioners to place upon any such list any tracts of lands or buildings within the county subject to be placed therein by the provisions of this act, shall in any manner affect it [its] validity of anything done under the provisions of this act with reference to such lands and buildings as are actually placed upon such list.

County commissioners to add to list description of property omitted.

SEC. 5. After such list shall have been perfected as hereinbefore provided, said board shall proceed at such meeting to ascertain the true and actual cash value at the year for which such lists shall have been made, of each tract of land and of each building described in such list, and for that purpose may summon before it and examine under oath such witnesses as it may deem necessary for its information in regard to such value. In making such valuation the board shall have due regard for the average valuation of real property in the county made according

County commissioners to ascertain value of property described in list.

to law for the year for which such lists shall have been made, for purpose of taxation, and also for the relative situation, quality of soil, improvements and natural certified advantages possessed by such tract and lot. Any person interested in any lands or any buildings upon such list shall have a right to present at such meeting and to be heard as to the valuation of such lands or buildings, and to swear and examine witnesses before such board upon the question of such valuation. After the valuation of any tract of land or building upon such list shall have been ascertained, as hereinbefore provided, such value shall be thereupon entered upon such list opposite to the description of such tract or building, in a column set apart for that purpose. When the valuation of all the several tracts of lands and buildings upon such list shall have been ascertained and entered thereon, said list and valuation shall be authenticated by the signature of the chairman of the board, which shall be a sufficient authentication thereof for all purposes. Such meeting may be adjourned from day to day, but shall not continue longer than ten days, and the valuation of all tracts of lands and buildings upon such list shall be fully completed and authenticated in manner hereinbefore provided, on or before the first day of September next after the passage of this act.

County auditor
to forward copy
of completed list
to state auditor,
who shall lay
same before
board of equal-
ization.

SEC. 6. After such list and valuation shall have been completed, as hereinbefore provided, the same shall remain in the custody of the county auditor of the county, and he shall, on or before September 10th next after the passage of this act, make a certified copy of such list and valuation and forward the same to the state auditor. At the next session of the state board of equalization it shall be the duty of the state auditor to lay before the same all certified copies of such lists and valuation as shall have been received by him, and it shall thereupon be the duty of such state board to equalize the valuation of the property contained in each of such lists with the valuations of property throughout the state made according to law for purposes of taxation for the year for which such lists shall have been made, which equalization shall be made in the same manner as near as may be, as is provided by the statutes of this state for equalization of values of property throughout the state by such state board.

SEC. 7. When the state board shall have completed its equalization of the property contained in each of such

lists as hereinbefore provided, the state auditor shall return each of such copies of lists received by him as aforesaid to the auditor of the county wherein the property therein described is situated, together with a statement specifying the per centum, if any, to be added to or deducted from the valuation as made by the county board as determined by such state board, and upon the receipt of such copy and statement it shall be the duty of the county auditor to add to or deduct from each tract and building upon such list the required per centum on the valuation thereof as made by the county board, and the value of each tract of land, and of each building upon said list as corrected shall be entered by such county auditor upon such list opposite to the description thereof in a column provided for that purpose.

State auditor to return copies of equalization lists to county auditor, who shall deduct required per cent.

SEC. 8. After the valuation of such property shall have been corrected as hereinbefore provided it shall be the duty of the county auditor to ascertain and set down in such list opposite to the description thereof, in a column provided for that purpose, the aggregate rate of taxation for all purposes to which each tract of land and each building upon such list was subject by law for the year for which such list shall have been made, and such auditor shall thereupon calculate the amount of tax upon each of such tracts of lands and buildings at such rate, and set down such amount upon such list opposite to the description of the tract of land or building upon which such amount of taxes so calculated, in a column appropriated for that purpose. When such amounts shall have been so calculated and set down on such list the same shall be authenticated by the signature to such list of such auditor, which shall be deemed a sufficient authentication thereof for all purposes.

County auditor to ascertain aggregate rate of taxation on each description of property.

SEC. 9. After the amount of tax upon each tract of land and each building upon such list shall have been calculated and entered thereon as hereinbefore provided, the county auditor shall make out and certify two complete duplicates of such list as the same item appears, one of which shall be transmitted to the state auditor for custody in his office and the other of which shall be forthwith delivered to the county treasurer of the county, and shall constitute his warrant for the collection of the taxes therein specified.

County auditor to make duplicate lists for state auditor and county treasurer.

SEC. 10. Upon the receipt of such duplicate by the county treasurer, the respective amounts of tax therein

Taxes, when
payable.

specified upon each tract of land and building therein described, shall become forthwith due and payable, and become a lien upon the tract or building upon which the same shall have been so levied, and it shall become the duty of such treasurer forthwith to collect such tax.

If tax not paid
within three
months same to
draw interest.

SEC. 11. In case any tax upon any such duplicate shall not be paid within three months after the receipt of such duplicate by the county treasurer, such tax shall thereafter draw interest at the rate of twelve per cent. per year, and it shall be the duty of such treasurer to apply to the district court of the county at a term thereof held not less than six months after the receipt of [by] him of such duplicate for judgment against the tract of land or building upon which such tax shall have been assessed for the aggregate amount of the taxes and interest thereon, upon all duplicates in his hands made under the provisions of this act. Notice of such application shall be given by publication in a newspaper published in the county if any be there published, and if no newspaper be published in such county, then in a newspaper published at the capitol of the state, such notice shall be published at least three times at intervals of at least five days, the last publication being made at least ten days before the term of court at which such application for judgment is made, such notice may be in the following form :

How notice of
application for
judgment to be
given.

STATE OF MINNESOTA, }
COUNTY OF _____ }
TREASURER'S OFFICE. }

Notice is hereby given that in pursuance of an act of the legislature entitled "An act to provide for the levy and collection of taxes upon property in cases when such property has been subject by law to taxation, but the levy of taxes thereon have been omitted, approved—, eighteen hundred and seventy-four, and [I] shall apply to the district court in and for this county, at a term thereof to be held at — in — in this county, commencing on the — day of —, eighteen hundred and seventy-four, [A. D. 187—,] on the first day of such term, for judgment against each and every one of the tracts of lands and buildings hereinafter described, for all taxes levied thereon, under provisions of said act remaining unpaid, together with interest thereon, and costs as allowed by said act.

The following is a description of the lands and buildings against which judgment will be applied for:

(Here give a particular description of each tract of land and of each building against which judgment is to be applied for.)

County Auditor.

No service of summons nor notice other than publication of the notice in this section provided for, shall be necessary to give the court to which such application is made, jurisdiction to receive and act upon the same as hereinafter provided.

SEC. 12. The application referred to in the previous section may be in the following form:

To the District Court in and for the county of _____.
The application of _____ County Treasurer in and for said county _____.

That in pursuance of an act of the legislature entitled "An act" to provide for the levy and collection of taxes upon property in cases where such property has been subject by law to taxation, but the levy thereon of taxes thereon have been omitted, approved _____ eighteen hundred and seventy-four, certain taxes were levied upon each of the several tracts of lands and buildings hereinafter described, situated in said county, and duplicate lists of such tracts and buildings, and of such taxes were placed in my hands in accordance with such act, for the collection of such taxes; that more than three months have elapsed since the receipt by me of such duplicate, but there remains unpaid upon each of the following described tracts of lands and buildings, taxes charged against the same in such duplicate to the amount in the aggregate of the sum hereinafter set opposite the description of such tract or building; and that said duplicates were placed in my hands on the _____ day of _____, eighteen hundred and seventy— [A. D. 187—.]

Form of application for judgment.

The following is a list of the lands and buildings referred to, and of the amount of tax charged against the same upon such duplicates remaining unpaid:

FORM.

Range.	Section.	Qr.	Amount of tax.	Remarks.

Buildings.

The applicant therefore prays the judgment of the court that the respective amounts above specified together with interest thereon since the — day of — eighteen hundred and seventy—, A. D. 187—, at the rate of twelve per cent. per year, be adjudged to the [be] liens upon the respective tracts of land and buildings opposite to the description of which the same are set, and that such lands and buildings be sold for the payment thereof.

County Treasurer.

All taxes remaining unpaid upon said duplicates shall be included in one application.

Judgment to be rendered upon filing application with the court,

SEC. 18. Upon filing said application with the court, together with proof of publication of the notice hereinbefore provided for, which may be by the affidavit of the publisher of the newspaper in which the same shall have been published, or the foreman or business manager thereof, the court shall forthwith proceed to render judgment against each tract of land and building in such application described for which no objection shall be filed, as provided for in the next section, adjudging that the amount of tax stated in such application to be due thereon, together with interest thereon as hereinbefore provided, and costs, be a lien upon such tract of land or building, as the case may be, and the whole thereof, and that such tract of land or building, as the case may be, be sold for the payment of the same. All the several tracts of lands and buildings described in such application, for which no objections shall be filed, shall be included in one judgment.

SEC. 14. Any person legally or equitably interested in any such tract of land, or in any building described in such application, may at the time mentioned in such notice of application, appear in court and file objections in writing against the rendition of judgment against such tract or building, as the case may be, and thereupon the court shall proceed to try and determine the issues raised by such objections, and shall render judgment according to law and the rights of the parties. All the several tracts of lands and buildings described in said application, for which objection shall be filed, but against which judgment shall be rendered upon trial thereof, shall be included in one judgment. No appeal, writ of error, certiorari, or other proceeding to review any judgment rendered under the provisions of this law shall stay proceedings upon such judgment.

How objection to rendition of judgment may be interposed.

SEC. 15. The costs included in any such judgment shall consist of the expense of publication of notice of application for judgment and fees of officers of the court, as allowed by law by [for] like services in civil actions; such costs shall be apportioned among the several tracts of land and buildings in such judgment described according to the amount of the tax and interest for which judgment is rendered against the same.

Costs and expenses, how apportioned.

SEC. 16. All tracts of lands and buildings against which any such judgment shall be rendered shall be sold by the treasurer of the county, to satisfy such judgment, together with costs and expenses of advertisement and sale, in the same manner and upon like notice as provided by the statutes of the state for sales for real estate for non-payment of taxes; and purchasers at such sales shall acquire like rights as are required by purchasers of lands at sales of real property made under the statutes of this state for non-payment of taxes, and the duties of all officers in reference to such sales shall be the same as the duties in reference to sales of real property under the statutes of this state for non-payment of taxes; and such lands and buildings shall be subject to redemption at any time within one year from the time of such sales, in like manner as redemption of real property from sales made under the statutes of this state for non-payment of taxes.

By whom lands and buildings to be sold.

SEC. 17. All moneys collected or received by the treasurer under the provisions of this act shall be distributed and accounted for in like manner as taxes levied and collected under the statutes of this state.

Disposition of funds collected.

Certain exemp-
tions.

SEC. 18. This act shall not be construed to charge taxes against any property that at the time the same may have been purchased in good faith appeared upon the books of the county as clear and free from any prior taxes thereon.

When act to take
effect.

SEC. 19. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER IV.

AN ACT TO AMEND SECTION SIX (6) OF CHAPTER ONE HUNDRED AND FOUR OF THE GENERAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE, PROVIDING FOR THE COLLECTION OF TAXES AGAINST RAILROAD COMPANIES.

Be it enacted by the Legislature of the State of Minnesota:

Duty of railroad
commissioner in
case of failure to
make return of
gross earnings.

SECTION 1. That section six (6) of chapter one hundred and four of the general laws of the year A. D. one thousand eight hundred and seventy-three be, and the same is hereby amended so as to read as follows:

Sec. six [6.] If any railroad company in this state shall fail to make a return of its gross earnings, and the whole thereof, at the time and in the manner provided by law, it shall be the duty of the railroad commissioner to notify the treasurer or accounting officer of such neglect or default, and if the same shall continue for thirty days after serving such notice, such company shall be subject to a penalty in an amount equal to twenty five per cent. of the tax imposed upon such company to be added to and collected with such tax, and in case such railroad company shall fail within thirty days after such notice to make such return of its gross earnings, and the whole thereof at the time, and in the manner provided by law, then in that case it shall be the duty of the state treasurer to fix the amount of such gross earnings and tax together with such penalty, basing his actions upon the best evidence he can obtain without expense to the state, and

make an entry of the amount of such gross earnings and tax and penalty in the books of his office, which said entry when so made shall stand in the place of the report required by law to be made by said company, and shall in all courts of this state, and for all purposes be conclusive evidence of the facts therein stated. The certificate of the state treasurer that any such tax or per centum of gross earnings, or any part thereof, is unpaid and due from any railroad or corporation, and stating the amount thereof together with such penalty shall be full and complete, and sufficient warrant for the collection by sale or otherwise of the said tax or per centum of gross earnings or any part thereof; *Provided*, That any railroad company may elect to pay its taxes semi-annually on the first days of August and February for the preceding six months of each year. Commencing January first and July first, respectively, and file with the railroad commissioner its written assent to the provisions of this act, and in such case the taxes of such roads for the year one thousand eight hundred and seventy-three, shall be due and payable on the first day of July, one thousand eight hundred and seventy-four, and thereafter on the first days of February and August of each year, and shall be enforced under the provisions of this act and such laws as may be hereafter passed.

When gross earnings, tax and penalty to be fixed by state treasurer.

Railroad companies may elect to pay semi-annual tax.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved Feb. 28, 1874.

CHAPTER V.

AN ACT TO PROVIDE FOR THE ASSESSMENT AND COLLECTION OF A TAX FOR STATE PURPOSES.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. There shall be levied on all the taxable property in the state of Minnesota, for the year eighteen hundred and seventy-four, for state purposes, a tax of a certain number of mills and parts of mills on each dollar

Taxes to be levied for what purpose.

of valuation, sufficient to raise or produce five hundred thousand dollars, or as near that amount as practicable. *Provided*, That the levy herein provided for shall not exceed four mills on each dollar.

Duty of state auditor.

SEC. 2. It shall be the duty of the state auditor, immediately after the adjournment of the state board of equalization, to estimate the number of mills necessary to be levied upon the taxable property of the state to raise or produce the amount specified in the foregoing section, and immediately notify each county auditor thereof, who shall enter and extend the same on all the taxable property in his county on the tax lists for said year eighteen hundred and seventy-four, in a column to be denominated "state taxes," and the same shall be collected as other taxes are collected.

Disposition of all moneys received into the treasury.

SEC. 3. All taxes collected under the provision of the foregoing sections, when paid into the state treasury, shall be divided into five parts, and distributed as follows: Three and one-fourth parts thereof for the general expenses of the state government, one part for support of the state prison and charitable and educational institutions, one-half part for payment of interest on state debt, and one-quarter part for sinking fund for redemption of state bonds at maturity; and all moneys received in excess of the amount required for the purposes for which the same were levied shall be placed to the credit of the general revenue fund.

When act to take effect.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER VI.

AN ACT TO EXTEND THE TIME FOR THE PAYMENT OF TAXES ON PERSONAL PROPERTY, FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE, IN THE COUNTIES OF JACKSON, COTTONWOOD, MURRAY, NOBLES, ROCK, WATONWAN, REDWOOD, LYON AND LAC QUI PARLE.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the time for the collection and pay

ment of all taxes on personal property, for the year one thousand eight hundred and seventy-three, in the counties of Jackson, Cottonwood, Murray, Nobles, Rock, Watonwan, Redwood, Lyon and Lac qui Parle, be and the same is hereby extended to the first day of November next. *Provided*, That no penalty on account of the non-payment of any taxes on personal property for the year A. D. one thousand eight hundred and seventy-three shall attach prior to the first day of November next.

Extension of
time for payment
of taxes.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to take
effect.

Approved February 4, 1874.

CHAPTER VII.

AN ACT IN RELATION IN TO THE PRINTING AND DISTRIBUTION OF LAWS AND DOCUMENTS.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The secretary of state, state treasurer and state auditor, shall be ex-officio commissioners of public printing during the terms of office respectively.

Commissioners
of public print-
ing.

SEC. 2. The printing for the state is divided into five classes to be let in separate contracts as follows: The printing and binding of all bills for the two houses of the legislature, together with such resolutions and other matters as may be ordered by the two houses, or either of them, to be printed in bill form, constitute the first class and shall be let in one contract; the printing and binding of the journals of the senate and house of representatives, and of such reports, communications and other documents as enter into and make a part of the journals, constitute the second class, and shall be let in one contract; the printing and binding of all reports, communications and other documents ordered by the legislature or either branch thereof, or by the executive departments, to be printed in pamphlet form, together with the volumes of executive documents, and the legislative manual, constitute the third class, and shall be let in one contract;

Printing to be
divided into five
classes.

the printing and binding of the general and special laws, and joint resolutions constitute the fourth class, and shall be let in one contract; the printing of all blanks, circulars and other work necessary for the use of the executive departments, other than such as are printed in pamphlet form, and all printing not included in the foregoing classes constitute the fifth class, and shall be let in one contract.

Commissioners to
give notice in
newspapers for
sealed proposals.

SEC. 3. The commissioners of printing shall during the first week in May, A. D. one thousand eight hundred seventy-four, and annually thereafter, give notice in two newspapers printed in the city of Saint Paul and in two other newspapers in the state not exceeding four, as they may deem necessary, for thirty days, that sealed proposals will be received at the office of the secretary of state until a day specified in the said notice for the execution of the several classes of the state printing in separate contracts as hereinafter specified, for the term of one year from the first day of December next thereafter; said proposals shall distinctly and specifically state the price per thousand ems for the composition of all matters embraced in the five classes of printing, or such of them as shall be covered by the bid, together with the price of folding, stitching and binding of such work as is required by law to be folded, stitched and bound, and embraced in and covered by said bid, and said proposals shall specify the rate per hundred sheets for folding, the rate per hundred copies for stitching all bills, resolutions, pamphlets and documents, the rate per hundred copies for brochure covering all documents ordered to be covered, not exceeding one hundred pages, and the rate per hundred copies for brochure covering all documents ordered to be covered exceeding one hundred pages, and the rate per hundred sheets for folding, the rate per hundred copies for stitching and the rate per hundred copies for binding the laws, journals and volumes of public documents, and the rate per line of lettering in gold leaf at which the bidder is willing to do the same, the price per token for all presswork embraced in the first, second, third and fourth classes, and the price per quire for the presswork contained in the fifth class at which the bidder will undertake to do the work embraced in the class or classes of the printing covered by his proposals. Each proposal shall be accompanied by a bond executed in due form by the bidder with at least two good and sufficient sureties satisfactory

Bond conditioned for faithful performance to accompany each bid.

to the commissioners in the penal sum of eight thousand dollars, conditioned for the faithful performance, pursuant to this chapter, of such class or classes of the state printing as may be adjudged to him, and for the payment, as liquidated damages, by such bidder, to the state, of any excess of cost over the bid or bids of such bidder, which the state may be obliged to pay for such work, by reason of the failure of such bidder to complete his contract. Said bond to be null and void if no contract is awarded to him. No bid unaccompanied by such bond shall be entertained by the commissioners of printing; *Provided*, That the following prices for printing are hereby established as the maximum prices therefor, and no bids at higher rates shall be received, entertained or accepted: For composition per thousand ems, forty five cents; for presswork per token of two hundred and fifty impressions, forty-five cents; for presswork per quire of twenty-four impressions, eight cents; for folding per hundred sheets, five cents; for stitching per hundred copies, sixty cents; for binding session laws, journals and executive documents, per hundred copies, in brochure covering, documents not exceeding one hundred pages, seventy cents; in brochure covering, documents exceeding one hundred pages, two hundred cents; in pasteboard covering, thirty-five dollars; in muslin, fifty dollars; in law sheep half bound, seventy dollars; in law sheep full bound, one hundred and twenty-five dollars.

Establishes maximum prices.

SEC. 4. The commissioners of printing or any two of them shall, within two days after the expiration of the term for receiving proposals as aforesaid, proceed to open in public, all such proposals by them received, and they shall, on careful examination and computation, with the aid of a disinterested printer, if necessary, award the contract for each class of printing to the lowest bidder therefor; *Provided*, That nothing herein contained shall be construed so as to prevent the same person from becoming contractor for two or more classes of the printing if he shall be the lowest bidder therefor. If two or more persons bid the same and the lowest price for any class or classes of the printing, the commissioners shall award the contract to such one or more of them as in their opinion will best subserve the interest of the state, having reference however, to a division of the work, as far as practicable, among the several lowest bidders as aforesaid. If two or more bidders propose for the same con-

Commissioners to open bids within two days.

Two or more persons making same bid, commissioners to decide.

tract, and the proposal of one be lower on composition and that of an other lower on press work, then the commissioners, with the aid of a disinterested practical printer, selected by them for that purpose, shall make a strict computation, based on the work of the same class of printing of the preceding year, and assign the contract or contracts to the lowest aggregate bidder, as shall appear by said computation. If any of the aforesaid printing shall be executed without the city of St. Paul, all transportation of paper, copy, proof or printed sheets, shall be at the expense of the contractor or contractors for such printing.

Designates how printing to be done.

SEC. 5. The bills, resolutions and other matter specified in the first class of printing, shall be printed in folio foolscap form, on long primer type, each page to contain not less than thirty-two lines of solid matter of forty-five ems in length, with a great primer reglet only in each space between the lines; and in counting the composition upon bills and other matter embraced in this class, the same shall be measured as solid long primer matter, and by the surface actually covered; *Provided*, That no bill shall be measured at less than one page.

Designates size of page of journals.

SEC. 6. The journals of the two houses of the legislature specified in the second class, shall be printed in medium octavo form, on good brevier type, with at least twenty-four hundred ems in a page, without any unnecessary leads, blank or broken lines or pages.

Designates size of page of public documents.

SEC. 7. The volumes of public documents and reports, communications and other matters specified in the third class, shall be printed in medium octavo form, on good long primer type, with at least sixteen hundred and fifty ems in a page; *Provided*, That so much of the annual reports of the officers of the executive department, and of the superintendents of the public institutions as contains the remarks of those officers, may be single leaded with leads not exceeding in thickness six to pica; *Provided further*, That subordinate reports and appendices may be printed in brevier when deemed advisable by the superintendent of printing. The volumes of the public documents shall contain nothing that is to be inserted in the laws and journals of the same year, and the various reports, communications, and other documents inserted therein, shall follow each other in as close compact order as is consistent with good workmanship, without intervention of unnecessary blanks or separate

title or half title pages, and the paging thereof shall be consecutive, and at the conclusion there shall be an index referring to the particular page at which each separate document commences. In all cases when by order of the legislature or either branch thereof, any document is printed in pamphlet form, by the contractor for the printing of the volume of public documents, which shall also be inserted in the volume of public documents, and in all cases where any such document is so printed in pamphlet form by the contractor for the printing of the journals, which shall also be printed in the journals, but one charge shall be made or allowed for the composition thereof; *Provided*, That if the journal of either house be printed daily for the use of the legislature, double the contract price may be allowed for composition upon the journals so printed, but nothing shall then be charged or allowed for composition or reimposition of the same matter for the bound journals; *Provided*, That the contractor shall be paid for the time necessarily consumed in making corrections at the contract price per thousand ems for every hour of time.

Provision for
printing daily
journal.

SEC. 8. The laws specified in the fourth class shall be printed in medium octavo form, on good long primer type, the pages to be of the same size and form as those of the documents specified in the preceding section, with marginal notes to the general laws, in nonpareil type, similar to those heretofore inserted.

How laws to be
printed.

SEC. 9. The printing embraced in the fifth class shall be executed in a style consistent with good workmanship, and with due reference to economy. In estimating the composition, all work in script type, or of which script is the chief kind used, shall be estimated as pica, and measured by the surface actually covered, and not by the size of the sheet used. All open work, such as letter-heads, blank deeds and the like, shall be estimated in the same manner. *Provided*, No job shall be counted at less than one thousand ems. All work in other than script type, shall be estimated according to the type actually used. *Provided*, That when different kinds are used in a single job, it may be measured and estimated proportionately for the different kinds used. In estimating press work in the fifth class, a quire shall be considered twenty-four impressions of a side or page, as the case may be, of twenty-four sheets of paper of the size required for the job, with such matter as the printer

Relative to print-
ing for executive
departments.

shall be directed to put upon it. *Provided*, That no job of press work will be estimated at less than four quires; and, *provided further*, that any job of five thousand impressions or more, may be paid for by the token of two hundred and fifty impressions, at the maximum rate herein named.

How composition
to be estimated.

SEC. 10. In estimating the composition of all pamphlets, laws, journals and volumes of public documents, every necessary fraction of a page will be counted as a full page, but no entire blank page shall be counted or charged for, and if [in] any branch of the printing tabular statements occur which it shall be impracticable to print on the ordinary sized pages, the same shall be printed in tabular sheets of the necessary size, and the amount of composition on the same shall be ascertained by measuring the printed surface and thereby ascertaining the number of ems. In any class all figure work requiring additional justification in each line, and all rule work requiring the fitting in of rules, shall be allowed one price and a half, and for all rule and figure work, double price for composition shall be allowed, the same to be ascertained by strict measurement and count. But one charge shall be made for the composition of all documents ordered to be printed by both branches of the legislature, and no charge or allowance shall be made for composition when extra or additional copies are ordered to be printed. *Provided*, Such subsequent order shall be made within five days of the preceding one. In estimating the press work of pamphlets, laws, journals and volumes of public documents, the token shall consist of two hundred and fifty impressions of a form of eight pages, or one hundred and twenty-five sheets of medium octavo paper, printed on both sides, or two hundred and fifty sheets of the same, printed on one side only. *Provided*, That if any document shall make less than eight pages, or if the last form of any document shall not be a full form of eight pages, the same shall be counted as a full form.

Regulating press
work.

Notice of propo-
sal accepted.

SEC. 11. It shall be the duty of the secretary of state to give prompt notice to each successful bidder that his proposals are accepted. If from death or any unforeseen cause there be a failure on the part of any successful bidder to execute his contract, the commissioners of printing, or a majority of them, may enter into a contract with the next lowest bidder. If any contractor, after commencing upon his contract, fails to execute the

work embraced therein with reasonable expedition and in a suitable manner, the commissioners of printing may notify him that [for] reasons they shall specify, his contract is cancelled, and they may then contract with some other person to do the work at the lowest practicable rate.

Contract may be cancelled.

SEC. 12. The journals, executive documents and laws required by this chapter to be printed and put up in book form, shall be bound with brochure covering, and each journal and appropriate appendix shall be bound in the same volume, unless in the opinion of the commissioners of printing the same will make a volume too large for convenience, in which case each journal shall be bound separately, and the appendix shall be bound separately or together, as the said commissioners shall direct.

How journals and documents to be bound.

SEC. 13. In accounting under this act, folding, stitching and binding shall include the collating, drying and pressing.

What to include in folding, etc.

SEC. 14. All contractors under the provisions of this chapter shall promptly and without any unnecessary delay execute all orders to them issued by the legislature, or either branch thereof, or by the secretary of state, [as] superintendent of public printing, on behalf of the executive officers of the state; and the laws and volumes of public documents shall be delivered to the secretary of state within seventy days, and the journals of the two houses of the legislature within thirty days after the manuscript copy shall have been received by the contractor for printing and binding the same. *Provided however,* That the commissioners of printing may, on good cause shown by any such contractor, extend the time, not exceeding twenty days, for the execution of his contract.

Work to be executed without unnecessary delay.

SEC. 15. The secretary of state shall examine the work executed under the provisions of this chapter, and see that the printing and binding is executed correctly and in a suitable and workmanlike manner, and in accordance with law, and he shall keep an accurate account of all paper delivered to the contractors for printing, and that it is used properly and without unnecessary waste. All work to be executed for the executive departments shall be ordered through the secretary of state and he shall see that the full number of copies of each job is received from the printer and delivered to the proper department. He shall audit all accounts for printing and binding executed under the provisions of this act, and shall keep a record of the cost of printing and binding

Secretary of state to inspect printing and binding.

the amount of paper used and the entire expense of each document or item, and a copy of each document shall be duly filed and preserved by him, with the cost endorsed upon it.

Contractor to file
and preserve
copies.

SEC. 16. Every contractor for any class of the public printing shall file and preserve one copy of each document or other matter by him printed for the state, which he shall deliver to the secretary of state, with his account for the same, in which account shall be specifically stated the various jobs performed, the number of copies of each job, the number of lines of composition in each, the extra charge, if any, for rule or figure, or rule and figure work, the number of tokens or quires of press work in each, the cost of folding, stitching and binding of each job designating whether ordered by the senate, the house of representatives or jointly by both, or by the other officers or agents of the state, together with the kind and quantity of paper used for each job.

Secretary of
state to examine
accounts.

SEC. 17. All accounts filed under the preceding section shall be carefully examined by the secretary of state aided by a disinterested practical printer, if necessary, employed for that purpose, at the expense of the state, and compared with the vouchers therefore and the orders for the same. If any errors be found in such account by said secretary of state he shall immediately correct the same and return it to the contractor who rendered it; and when the account is finally corrected and adjusted he shall certify the same to the state auditor, who on the receipt thereof shall give his warrant upon the treasurer of the state for the amount thereof, payable out of any moneys appropriated for that purpose. *Provided, That* in the current execution of such contract the secretary of state is hereby empowered in his discretion to deliver to said contractor a certificate for an amount not exceeding seventy-five per cent. of completed work for which amount the state auditor shall give his warrant upon the treasurer of the state to said contractor.

Work to be de-
livered in good
order.

SEC. 18. The contractor for any class of state printing shall deliver over to the secretary of state or to the proper department in good order, all copies of work ordered to be printed by him, the legislature or either branch thereof, or other officers or agents of the state.

Paper to be pro-
vided by state.

SEC. 19. The paper for the state printing aforesaid, shall be provided by the state, and the secretary of state shall from time to time as the same may be needed, deliv-

er over to each contractor suitable paper for the printing which he is required by his contract to do; he shall take and preserve from each contractor a receipt for all paper so delivered, and at the annual settlement on or before the first day of November, each contractor shall deliver to the secretary of state all paper which has not been used in the state printing, or if any such paper has been wasted or converted to any other use, the contractor to whom the same has been delivered shall be charged with the value thereof, together with a penalty of fifty per cent.; and the amount shall be deducted from his account; *Provided*, The contractor shall be allowed ten per cent. for waste on all jobs of ten quires or less, and five per cent. on all jobs of more than ten quires.

Wastage allowed contractor.

SEC. 20. The secretary of state shall furnish a true and accurate copy of the laws as they may be demanded by the printer thereof, and the clerks of the respective branches of the legislature shall each furnish to the printer, who is bound by his contract to print the same, copies of the journals, bills, reports and other papers and documents without unnecessary delay, and no contractor shall be accountable for any delay occasioned by the want of such copy.

Who to furnish copy of laws and journals.

SEC. 21. In printing the journals of the senate and house of representatives, as specified in the sixth section of this chapter, the secretary of the senate and clerk of the house of representatives of the respective sessions of the legislature, shall make out indexes to the printed and recorded journals of said senate and house of representatives, and attend to reading proof sheets of the same, whenever required to do so by the commissioners of printing.

Indices, by whom made out.

SEC. 22. All laws printed or published by authority of this state, shall be printed or published without any certificates or additions to the same, except the word "approved," and the date of said approval, and in each volume of the session laws hereafter published, there shall be a general certificate, made by the secretary of state to the effect that all laws, memorials and resolutions contained therein, have been compared by him with the original thereof in his office, and that they are correct copies thereof.

Laws to be published without certificates.

SEC. 23. The secretary of the senate and the chief clerk of the house of representatives, shall keep a journal of the proceedings of their respective houses and deliver

Who to keep journals.

a copy immediately upon each daily adjournment, to the contractor for printing the same, who shall print two hundred copies of each, and deliver the same at the commencement of the next day's session for the use of the members of the legislature. After being read in the house to which the journals respectively belong, and examined and compared with the minutes of the record clerk, or the clerk having charge of the record of bills, memorials and joint resolutions, and in the presence and with the sanction of the house corrected, or found and declared to be correct, the proceedings of each day shall be attested by said secretary and chief clerk, and immediately thereafter delivered to the printer of the journals who shall make the authorized correction, if any, and print the sheets for the bound volumes of the journals. Each journal shall be recorded in books to be furnished by the secretary of state for that purpose. After the journals are recorded, said books shall be deposited with the secretary of state, who shall carefully preserve the same, and said records shall be considered the true and authentic journal.

What may be
omitted from
journals.

SEC. 24. No executive message, address or communication of any state officer or board of officers, no report of the superintendent or other officers of any institution or building, no petition or memorial, no argumentative or voluminous report of any standing or select committee of either house, or joint committee of both houses, no special report of any officer or board of officers, made in reply to any joint resolution of both houses, nor any other long or voluminous document, except amendments to the constitution and to bills and resolutions, and the protests of members of either house against any act or resolution thereof, shall be entered at length upon the journals or recorded in the record provided for in the foregoing section.

To have appen-
dix—what to
contain.

SEC. 25. The journals of each house shall be printed as kept and recorded, and each journal shall have an appendix in which shall be printed all such petitions and memorials, reports of committees, special reports and communications of all officers or boards of officers, as are laid before either or both houses, and all such other papers and documents as are laid before either or both houses in writing, unless the printing thereof is otherwise provided for herein; *Provided*, That no paper or document shall be printed in either appendix unless the house before

which such paper or document is laid expressly order the same to be printed in the appendix of the journal of such house; and if any paper or document be laid before both houses and ordered to be printed by both houses, the same shall be printed only in the appendix to the senate journal. The abstracts of votes when canvassed by the legislature in joint convention shall be printed in the appendix to the house journal.

SEC. 26. There shall be printed in pamphlet form and covered in brochure covers, the following number of each of the following documents, to-wit: Of the report of the state auditor, twelve hundred and fifty copies; of the report of the state treasurer, seven hundred and fifty copies; of the report of the secretary of state, seven hundred and fifty copies; of the report of the secretary of state, seven hundred and fifty copies; of the report of the attorney general, five hundred copies; of the report of the adjutant general, five hundred copies; of the report of the librarian, five hundred copies; of the report of the warden of the state prison, six hundred copies, of which two hundred shall be delivered to the warden; of the report of regents of the state university, one thousand copies, of which five hundred shall be delivered to the president of the university; of the report of the trustees of the state normal board, one thousand copies, of which five hundred shall be at the disposal of the president of the board; of the report of the directors for the institution for the deaf and dumb and the blind, one thousand copies, of which six hundred shall be at the disposal of the directors; of the report of the historical society, one thousand copies; of the report of the trustees of the Minnesota reform school, seven hundred and fifty copies, of which two hundred shall be at the disposal of the trustees; of the report of the trustees of the hospital for the insane, twelve hundred and fifty copies, of which of which seven hundred shall be at the disposal of said trustees; of the report of the insurance commissioner, seven hundred and fifty copies; of the report of the state board of health, seven hundred and fifty copies, three hundred of which shall be at the disposal of the president of the board; of the report of the superintendent of public instruction, five thousand copies; of the report of the railroad commissioner, two thousand copies; of the report of the commissioner of statistics, three thousand copies.

Number copies of pamphlets.

SEC. 27. All regular messages of the governor, and

Governor's mes-
sage—number
copies.

all inaugural messages of the governor elect, shall be printed in pamphlet form, and there shall be printed in such form, for the governor's use, five hundred copies thereof, and for the use of the legislature two thousand copies, without any order by either or both houses for the printing thereof.

Executive Docu-
ments—number
copies.

SEC. 28. At the same that the documents mentioned in the two preceding sections are printed in pamphlet form, there shall be printed on the same type, four hundred copies of each document named in said two preceding sections, which shall be bound together in volumes of convenient size, and styled "executive documents." The paging of said documents shall be consecutive. The secretary of state shall make out an index of said volumes of executive documents, which he shall deliver to the printer, who shall print the same at the close of the said volumes. There shall be no charge for composition for printing the number of copies of said executive documents necessary for the volumes herein provided for, and none of them shall be printed otherwise than is provided in this and the two preceding sections of this chapter.

Journals and
Laws—number
copies.

SEC. 29. There shall be four hundred copies of each journal and an appendix printed; there shall be seven thousand copies of the general laws and joint resolutions printed in one volume, and two thousand copies of the special laws in another volume.

How distributed.

SEC. 30. Every member and officer of the legislature for himself and every clerk of a court of record and every county auditor, for the use of their offices respectively, is entitled to one copy of each journal and appendix, and the volumes of executive documents. Every university, college, academy or other literary institution is entitled to one copy of the laws passed at each session of the legislature and also to one copy of each journal and appendix, and the volumes of executive documents.

Distribution of
Laws.

74 C 7 § 31
96-M - 64
104-NW 680

SEC. 31. Every member and officer of the legislature for himself shall have a copy of the laws, every judge and clerk of court of record, every justice of the peace, constable, chairmain of the board of township supervisors, township clerk, every mayor, auditor, treasurer, clerk, recorder, alderman, or trustee of any ward in any city or incorporated village, every county auditor, treasurer, sheriff, register of deeds, court commissioner, county attorney, surveyor, coroner and county commis-

sioner, is entitled to receive one copy of the general laws passed at each session of the legislature for their use while filling such offices, but every such officer except members and officers of the legislature shall deliver the same to his successor in office, for his use while filling such office, and if any person refuse, on demand being made to make such delivery, he shall forfeit and pay not less than five nor more than fifteen dollars to be recovered in any action brought by the successor in office of such person, in the name of the state of Minnesota for the use of the county where such action is brought, before any justice of the peace in such county.

SEC. 32. The secretary of state shall deliver to the governor, for his own use, two copies of the laws and one copy of the journals and documents; to the auditor and treasurer of state, each three copies of the laws and one of the journals and documents; to the attorney general, the adjutant general, the railroad commissioner, the commissioner of insurance, the commissioner of statistics, the clerk of the supreme court, the superintendent of public instruction, the superintendent of every state benevolent institution, the warden of the state prison, to the United States circuit judge, to the United States district judge, to the clerk of each of the United States courts, and to the United States marshal, one copy of the same. He shall furnish the governor with such number of copies of each as will be necessary to supply each state, and each of the departments and territories of the United States, and the general government of the United States with a copy; he shall furnish the library with five copies of the general and special laws, both journals and the volumes of executive documents; and shall deliver to the secretary of the historical society twenty copies of the general laws, ten copies of the special laws and journals, and fifty copies of the executive documents.

SEC. 33. The secretary of state shall, as soon as the laws, journals and executive documents of each session are printed and ready for distribution, box up the number of each to which each county is entitled, together with such number of extra copies of laws as he may deem sufficient for the local demand, and forward the same by public conveyance to the auditor of the county. If any county seat be so situated that the laws, journals and documents cannot be sent to the same by public conveyance, they shall be forwarded to a secure place as near

such county seat as practicable, and the secretary of state shall notify the county auditor in writing of the delivery of the same at such point, and the county auditor shall contract with some person to convey the same to the county seat.

County Auditor
to deliver laws,
&c.

SEC. 34. The county auditor shall deliver the laws, journals and documents to such persons and institutions as are entitled to receive them, when requested so to do, and shall take receipts therefor and file the same in his office subject to inspection. All other copies of the laws which are forwarded to any county for sale, shall be delivered by the auditor to the clerk of the district court for distribution to such persons and on such terms as the county commissioners may prescribe.

Disposition of
surplus Special
Laws.

SEC. 35a. All copies of the special laws not distributed by the secretary of state according to the foregoing provisions of this act, shall be retained by him for sale in the following manner: The secretary of state shall from time to time deliver such number of copies of any volume of special laws as may be required, to the treasurer of state, and take and file his receipt therefor; and he shall notify the said treasurer what is the actual cost price of any such volume. The state treasurer shall sell such copies of the special laws on demand at the stated cost price, and all moneys received from such sales shall be by him paid into and shall become part of the general revenue fund of the state.

When deemed
officially pub-
lished.

SEC. 35b. All laws, journals and documents printed and published by any contractor under the provisions of this chapter, and duly certified by the secretary of state, as provided herein, shall be deemed to be officially printed and published, and full faith and credit shall be given to them as such.

To preserve
copies not dis-
tributed.

SEC. 36. All copies of the journals, executive documents and laws, which are not distributed under the provisions of this chapter, shall be preserved in the office of the secretary of state, subject to future distribution by law.

When reports
of county and
town officers to
be made.

SEC. 37. All county, township, city and village officers, and all officers and boards of officers of all state institutions and buildings, and all offices connected with the public works of the state, and all corporations (except such as by their charter are required to make their reports at some other specified time) which are required by law to make annual reports for any purpose to any state offi-

cer, shall make out and transmit the same on or before the fifth day of November of each year to the proper officer. For the purpose of making out all such reports the year shall begin on the first day of November of each year and end on the last day of October of the succeeding year.

SEC. 38. All state officers and boards of officers and the officers of all such institutions and buildings, as are required to make annual report to the legislature or to the governor, shall make such report to the governor on or before the fifteenth day of December of each year, (and for the purpose of making out such reports, the fiscal year is declared to begin on the first day of December of each year) and to end on the last day of November of the succeeding year. The governor upon receiving such reports shall deliver the same to the commissioners of public printing, to be printed, and the governor shall lay before the legislature all such reports in printed form at the same time with his annual message.

When reports of State officers to be made.

SEC. 39. Chapter forty-six of the general laws of eighteen hundred and sixty-eight, and all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

Repeal of former act.

SEC. 40. This act shall be in force from and after its passage.

When act to take effect.

Approved March 9, 1874.

CHAPTER VIII.

AN ACT TO PROVIDE FOR THE PURCHASE OF PAPER AND STATIONER'S SUPPLIES FOR THE PUBLIC PRINTING, AND FOR USE IN THE LEGISLATURE AND STATE OFFICES.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That annually hereafter, on or before the first Tuesday in August, it shall be the duty of the secretary of state to ascertain and fix the amount and kinds of all paper necessary for the public printing of this state

Duty of Secretary of State.

for the period of one year; and the amount and kind of writing paper, envelopes and all other stationer's supplies necessary for use in both branches of the legislature, and in all the public offices of the state for the same time.

Publication of
notice for propo-
sals.

SEC. 2. That thereupon it shall be the duty of the secretary of state to give public notice for at least four consecutive weeks, by advertisement in four newspapers printed, and of general circulation in this state, one of which shall be published in the capital of the state; that sealed proposals will be received at the office of the secretary of state until twelve o'clock at noon of the first day of September following, for furnishing such amounts and kinds of printing paper, and such quantities and kinds of writing paper, and other stationer's supplies, describing clearly the several kinds of articles required.

Proposal to be
accompanied
with bond condi-
tioned for faith-
ful performance
of duty.

SEC. 3. Proposals may be made for furnishing either the printing paper, or the writing paper and other stationery and stationer's supplies or for both, and such proposals shall be accompanied by samples of the various kinds of paper, and other supplies proposed to be furnished, and shall contain the price thereof accompanied by a clear and certain name for each article. Each proposal shall be accompanied by a bond payable to the state of Minnesota, with good and sufficient security to be approved by the secretary of state, in a penal sum of not less than one thousand dollars, to secure the state that the maker of the proposal will if his bid be accepted sign the necessary contracts and enter into the bonds hereinafter provided, for the faithful performance of the same. Said proposals shall on said first Tuesday of September, be opened in public by the secretary of state, and the contract for furnishing the printing paper shall be by him awarded to the lowest bidder or bidders therefor, and the contract [for] furnishing the writing paper and stationery shall be awarded to the lowest bidder or bidders therefor. And to secure the faithful performance of said contracts, the secretary of state shall take from the contractor or contractors, a bond payable to the state of Minnesota with good and sufficient security, to be approved by the secretary of state, in the penal sum of not less than double the amount to be paid such contractors by virtue of such contracts; *Provided*, That the said secretary shall have power, and it shall be his duty to reject all bids which he may consider exorbitant or against the interest of the state.

Contractor to
give bond.

SEC. 4 Said bonds shall be filed and retained in the office of the secretary of state, and for any failure to comply with any of the conditions therein contained may be prosecuted in the name of the state in any court of competent jurisdiction, and the amount of damages when collected shall be paid into the state treasury.

Bonds to be filed
in office of Secre-
tary of State.

SEC. 5. The secretary of state shall certify to the state auditor from time to time the amount due to such contractors, for stationery and paper when [then] furnished under said contract, who shall issue his warrant upon the state treasury for the amount so certified, to be paid out of moneys appropriated for that purpose. *Provided*, That said auditor shall not give his warrant for an amount to exceed seventy-five per cent. of the amount certified until said contract shall be fully completed and fulfilled.

Secretary of
State to furnish
account to State
Auditor.

SEC. 6. The printing paper of the state shall be kept and issued by the secretary of state, and used and accounted for by the contractor for the public printing as provided in the laws relating to the public printing. The writing paper and other stationer's supplies shall be securely kept by the secretary of state, and issued by him for use in any state department or office, upon the requisition and receipt of the chief officer therein, and for use in either branch of the legislature, upon the requisition and receipt of the secretary or chief clerk thereof.

Custodian of
printing paper.

SEC. 7. The secretary of state shall annually report to the legislature of the state at its first meeting in each year the exact amount of all stationery, printing paper, etc., contracted for and purchased by him, and the prices paid for the same.

To report to
legislature.

SEC. 8. Chapter fifteen of the general laws of eighteen hundred and sixty-six entitled an act to provide for the purchase of paper for the public printing is hereby repealed.

Repeal of former
act.

Approved March 9, 1874.

CHAPTER IX.

AN ACT AUTHORIZING THE STATE TREASURER TO MAKE
TEMPORARY USE OF THE SINKING OR OTHER FUNDS.

Be it enacted by the Legislature of the State of Minnesota:

Use of sinking
fund authorised.

SECTION 1. That the state treasurer is authorized to borrow and use temporarily from the sinking or other funds, other than any school funds, eighty thousand dollars, or so much thereof as may be necessary to supply any deficiency that may exist in the revenue fund; *Provided*, That it will not impair said respective funds so that they cannot meet all demands, as the exigencies may require.

When to take
effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved Feb. 12, 1874.

CHAPTER X.

AN ACT TO REQUIRE THE STATE TREASURER TO PAY OVER CERTAIN MONEYS IN HIS HANDS TO SIBLEY COUNTY.

Be it enacted by the Legislature of the State of Minnesota:

Disposition of
school funds of
said county.

SECTION 1. That the state treasurer be and he is hereby directed and required to pay over, upon demand, to the treasurer of Sibley county all school money in his hands apportioned to said county for the use of common schools therein.

When act to take
effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 5, 1874.

CHAPTER XI.

AN ACT TO AMEND SECTION 28 OF TITLE 4, OF CHAPTER SIX (6), OF THE GENERAL STATUTES OF MINNESOTA, RELATING TO THE DUTIES OF THE STATE TREASURER AND THE CARE OF THE PUBLIC FUNDS.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. Section twenty-eight of title four (4) of chapter six (6) of the general statutes is hereby amended so as to read as follows :

Sec. 28. I.—He shall report to each branch of the legislature on the third day of their session, and to the governor whenever by him required, the state of the public accounts and of the state and school funds, plainly exhibiting the amount by him received from every source, and all and singular the items thereof, the amount paid out during the preceding year, and each and every item thereof, and where such funds are, and the balance remaining in the treasury, and each and every item thereof, and shall once in two months publish in one or more of the daily newspapers printed and published at the capital of the state, a condensed statement of the condition of the several funds in his hands belonging to the state at the date of such publication, and there is hereby created a board of auditors of the state treasury and the funds thereof, consisting of the governor, secretary of state and attorney general, whose duty it shall be to carefully examine and audit the accounts, books and vouchers of the treasurer and to count and ascertain the kinds and description and amounts of funds in the treasury as belonging thereto at least four times in each year without previous notice to the treasurer, and make report thereof, and of their acts and doings in the premises to each branch of the legislature as early as the third day of their session, and also to witness and attest the transfer and delivery of accounts, books, vouchers and funds by any outgoing treasurer to his successor in office, and report the same in their report aforesaid next after the term of office of any treasurer shall expire; *Provided*, That all funds belonging to the permanent school fund or the permanent university fund, or any other permanent fund of any state institution, shall as soon as the same amounts to the sum of one thousand dollars, be at once invested in interest bearing bonds; as provided in chapter thirty-three (33) of the general laws of 1873.

II.—All the funds of the state shall be deposited in one or more banks located in the capital of the state immediately on their receipt by the treasurer in the name of the state of Minnesota, such bank or banker shall be selected by the treasurer and shall be required prior to

Shall make report to legislature—what to contain.

Where funds to be deposited.

the receipt of any such deposits, to give to such treasurer for the use of the state of Minnesota, a personal bond to the satisfaction of such treasurer and said board of auditors, in at least double the amount to be so deposited and with at least five sureties, who shall all justify in the manner provided for the justification of sureties on bonds in civil action, as security for the amount so to be deposited with such bank or banker; *Provided however*, That the taking of such security shall not be construed in any manner to release the said treasurer or his bondsmen from their liability to the state for any money so deposited.

At what rate of interest.

III.—Such bank or banker shall pay to the treasurer for the use of the state of Minnesota, such fair and equitable interest on all daily balance in their hands belonging to the state or may be agreed upon between such bank or banks and the treasurer, which interest shall in no case be at a less rate than that paid for the time being on daily balances, by the leading banks of the city of New York.

How treasurer's books to be kept.

IV.—The treasurer shall keep the books of the treasury department by the system known as double entry, and in such a manner as to show plainly and accurately every receipt and disbursement daily, and on the same day on which such receipt and disbursement or either of them actually occurs, and no unfinished business shall be kept or entered upon loose memoranda or strips of paper, and the said treasurer's cash book shall be balanced plainly and accurately every business day, and every payment by the state treasury shall be made on the warrant of the state auditor, and by check on a depository of state funds, and such check shall bear on its face the name of the payee and the number of the warrant for which drawn, and shall be drawn to the order of the payee.

Repeal of former act.

SEC. 2. Chapter thirty four of the general laws of 1873, is hereby repealed.

When act to take effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER XII.

AN ACT TO AMEND SECTION TWENTY-FOUR OF TITLE FOUR,
CHAPTER SIX OF THE STATUTES AT LARGE, RELATING
TO STATE TREASURER'S BOND.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That section twenty-four of title four of chapter six of the statutes at large of the state of Minnesota be, and the same is hereby amended so as to read as follows :

Sec. 24. Before entering on his duties the treasurer shall give bond with five or more sureties to be approved by the governor and state auditor, in the sum of four hundred thousand dollars payable to the state of Minnesota and conditioned for the faithful discharge of his duties as treasurer, and shall take and subscribe the oath required by law, which bond and oath shall be deposited with the secretary of state. The legislature may at any time during the continuance in office of the treasurer require him to give such additional security as they may deem necessary for the complete safety of the state. Shall give bond and take oath.

Sec. 2. This act shall take effect and be in force from and after the fifteenth day of March, A. D. eighteen hundred and seventy four. When act to take effect.

Approved March 5, 1874,

CHAPTER XIII.

AN ACT TO PROVIDE FOR THE ISSUANCE OF DUPLICATE
STATE WARRANTS IN CASES WHERE THE ORIGINAL
WARRANT IS LOST OR DESTROYED.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That whenever the state auditor under

When duplicate
warrant may
issue.

and by virtue of the provisions of the laws of this state issues any state warrant upon the state treasurer in favor of any state or county office or other person, company or corporation, for the payment of any moneys out of the state treasury, and the said warrant shall become lost or destroyed it shall be the duty of the said state auditor to issue a duplicate warrant in favor of the state or county officer or other person, company or corporation, to whom the original warrant was issued, or to any person, company or corporation legally holding under them, in the manner, and subject to the provisions hereinafter contained in this act.

To give certified
description of lost
warrant.

SEC. 2. Whenever any warrant drawn by the state auditor for the payment of any money out of the state treasury as in the first section of this act enumerated, and the same shall become lost or destroyed, any person, company or corporation who was the legal holder or owner of said warrant at the time it so became lost or destroyed, shall make an affidavit particularly describing the said warrant as to date, amount, number, and fund out of which it was to be satisfied, and also shall state in said affidavit such other facts concerning the loss or destruction of the original warrant as he may have in his possession or knowledge, and shall request in such affidavit that a duplicate warrant may be issued in his favor, and shall file the same with the state auditor within one year after the loss of any warrant as aforesaid.

The issuance
duplicate war-
rant discretion-
ary with state
auditor.

SEC. 3. If it appears that the person, company or corporation filing such affidavit is entitled to receive such duplicate warrant as aforesaid, the state auditor may issue such duplicate warrant as aforesaid in favor of the person, company or corporation who are entitled to receive the same, but if he has any reason to believe, or if it appears possible or probable that any person, company, or corporation may be in anywise damaged by the issuance of such duplicate warrant he shall, in such cases require from the person, company or corporation applying for such duplicate warrant a bond with good and sufficient sureties, which shall be made payable to the state of Minnesota, and shall be drawn in double the amount of the original warrant, and shall be approved by and filed with the state auditor before such duplicate warrant shall issue; conditioned for the benefit of any person, company or corporation damaged by the issuance of such duplicate warrant; and if the state auditor has grave doubts from

any cause that the statements contained in the affidavit are untrue he may, in cases where the amount of the warrant is two hundred dollars or over, publish in some newspaper having general circulation, the circumstances of the case as contained in the affidavit, and shall give notice of some day certain when he will issue such duplicate warrant which shall be not less than thirty days after the first publication of the notice.

SEC. 4. Whenever a duplicate warrant shall be issued under the provisions of this act the original warrant shall thereupon be cancelled and the state of Minnesota relieved from any claim or liability for the payment of such original warrant. When original warrant may be cancelled.

SEC. 5. The state auditor shall use his discretion in carrying out the provisions of this act as appears to him to be right and in accordance with justice and honesty; Liabilities to state. *Provided*, That in no case shall the state be liable for any damages accruing under the provisions of this act.

SEC. 6. Warrants may be reduplicated under the provisions of this act in cases where the duplicate becomes lost or destroyed. When reduplicate may issue.

SEC. 7. Any person who shall secure a duplicate warrant under the provisions of this act who is not legally entitled to the same shall be liable to indictment in any of the courts of this state having jurisdiction for the crime of embezzlement or perjury as the case may be. Punishment in case of fraud.

SEC. 8. This act shall take effect and be in force from and after its passage. When act to take effect.

Approved February 13, 1874.

CHAPTER XIV.

AN ACT TO AUTHORIZE THE APPOINTMENT OF PRESIDENT OF THE STATE NORMAL SCHOOL BOARD IN CASE OF VACANCY.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Whenever from any cause, a vacancy shall exist in the office of president of the state normal

Vacancy, how
filled.

school board, and said board shall not be in session at a regular meeting thereof, the governor may appoint one of the normal school directors to be president of said board, who shall hold his office until the next regular meeting of said board, and until a president thereof shall be duly elected and shall enter upon the duties of his office.

When act to take
effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved January 21, 1874.

CHAPTER XV.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THREE OF THE GENERAL STATUTES OF THE STATE OF MINNE- SOTA, RELATING TO DEMANDING FUGITIVES FROM JUSTICE.

Be it enacted by the Legislature of the State of Minnesota:

Proceedings
when fugitives
from justice are
demanded by
executive of
another state.

SECTION 1. Section two of chapter one hundred and three of the general statutes of the state of Minnesota is hereby amended so as to read as follows, viz.: When a demand is made upon the governor by the executive of any state or territory in any case authorized by the constitution and laws of the United States for the delivery over of any person charged in such state or territory with treason, felony or any other crime, the attorney general, when required by the governor, shall forthwith investigate the ground of such demand, or cause the same to be investigated by any county attorney and report to the governor all material facts which may come to his knowledge, or to the situation and circumstances of the person so demanded, especially whether he is held in custody or is under recognizance to answer for any offense against the laws of the state or of the United States, and also whether such demand is made according to law, so that such person ought to be delivered up, and if the governor is notified that such demand is conformable to law and ought to be complied with, he shall issue his

warrant under the seal of the state authorizing such person as he shall name therein, either forthwith or at the time designated by the warrant, to take and transport the person so demanded to the line of the state at the expense of the state or territory in whose name such person may have been demanded, and to deliver over such person at the line of the state to the agent of the state or territory making such demand; and shall also by such warrant require the civil officers within this state to afford all needful assistance in the execution thereof.

SEC. 2. This act shall take effect and be in force from ^{When act to take effect.} and after its passage.

Approved March 2, 1874.

CHAPTER XVI.

AN ACT TO AMEND SECTION FORTY-TWO OF CHAPTER ONE HUNDRED AND TWENTY OF THE GENERAL STATUTES OF MINNESOTA, AS THE SAME IS AMENDED BY CHAPTER FORTY-SEVEN OF THE GENERAL LAWS OF 1871, RELATING TO JAILS AND PRISONS.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section forty-two of chapter one hundred and twenty of the general statutes of Minnesota, ^{Per diem of inspectors.} as the same is amended by chapter forty-seven, of the general laws of 1871, be amended by making the paragraph prescribing the compensation of inspection [inspectors] of the state's prison read as follows: "To the inspector[s] the sum of five dollars per day for each day necessarily employed in the discharge of their duties, and traveling fees at the rate of six cents per mile for every mile necessarily traveled in the performance of their official duties."

SEC. 2. This act shall take effect and be in force from ^{When act to take effect.} and after its passage.

Approved March 9, 1874.

CHAPTER XVII.

AN ACT ALLOWING STATE PRISON CONVICTS A PORTION OF THEIR EARNINGS.

Be it enacted by the Legislature of the State of Minnesota:

Convicts to receive compensation for good conduct.

SECTION 1. All convicts confined or who shall hereafter be confined in Minnesota state prison, and who shall become entitled to a dimunition [diminution] of their term of sentence by good conduct while in prison, in accordance with an act passed by the legislature of Minnesota and approved February 19th, 1869, shall after the passage of this act, in addition to said dimunition [diminution] of term for good conduct, be entitled to and receive compensation for the same number of days to which they are so entitled at the same price per day that the state receives for the labor of said convicts.

A correct account to be kept.

SEC. 2. It shall be the duty of the warden of said prison to keep a correct account of all time, and all moneys so earned by said convicts, and at the end of each quarter when payments are made for prison labor to deduct from the amount before paying the same over to the state the several amounts due the convicts under the provisions of this act, and place the same to the credit of the several convicts to whom it belongs, in a book kept for that purpose.

In case family in needy condition, how fund disposed of.

SEC. 3. When it can be ascertained that the family of any such convict is in a needy condition, it shall be the duty of the warden by and with the consent and advice of the prison inspectors, to pay the money on [or] such a portion thereof as may be deemed necessary to said family, taking vouchers therefor, and the warden shall keep a correct account of all convict money so received and disbursed by him, and make a full exhibit of the same in his annual report to inspectors.

When convict has no family, fund how disposed of.

SEC. 4. In case any such convict has no family, or that it cannot be ascertained that his or her family are needy, then the several amounts due convicts under this act shall be placed to their several credits, and when the amount so due any convict shall have reached the sum of

ten dollars, it shall be the duty of the warden to place the same in a savings bank to be designated by the prison inspector to the credit of said convict.

SEC. 5. When any such convict is discharged from prison, either by expiration of sentence or pardon, it shall be the duty of the warden to pay over to said convict all moneys so due with the interest which has accrued thereon taking proper vouchers therefor.

When fund turned over to convict.

SEC. 6. When the amount of money so due any convict at the time of his discharge shall have reached the sum of twenty-five dollars or more, said convict shall be debarred from receiving any money from the state at the time of his discharge other than the sum so saved.

When convict debarred from receiving money from state.

SEC. 7. If after any convict has become entitled to a diminution [diminution] of sentence and compensation therefor under the provisions of this act, such convict shall conduct himself badly, so that infringement of prison rules are recorded against him, it shall be discretionary with the prison inspectors to deprive such convict of the whole or a part of such diminution [diminution] and compensation, to which he or she had previously been entitled.

When liable to forfeiture.

SEC. 8. All amounts so forfeited by convicts shall enure to the state of Minnesota, and shall be by the warden credited to the earnings of the prison.

All forfeits to enure to the state.

SEC. 9. When any convict shall die in prison leaving money or other valuables to his or her credit to the amount of ten dollars or more, it shall be the duty of the warden to pay the amount so due to the heirs or administrators of such deceased convict when they can be found, and in case no heirs or administrators can be found the warden shall advertise in some weekly paper printed at the capitol for six weeks in succession, at the death of such convict, stating the amount due such convict, the expense of such advertising to be paid from the money belonging to such deceased convict.

How fund disposed of in case of death of convict.

SEC. 10. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved March 9, 1874.

CHAPTER XVIII.

AN ACT TO AMEND SECTION 21 AND 22 OF TITLE TWO OF CHAPTER 35 OF THE GENERAL STATUTES OF MINNESOTA, RELATING TO STATE CHARITABLE INSTITUTIONS.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section 21 of title two of chapter 35, of the general statutes of Minnesota, be amended by adding thereto the following: The secretary shall perform such duties consistent with his office as said board shall require, and shall receive for such services a sum not exceeding one hundred dollars per annum.

Compensation of secretary.

SEC. 2. That section 22 of said title two be amended so as to read as follows:

Compensation of directors.

Sec. 22. No one of said directors except said treasurer and secretary shall receive any compensation for his services, but may be allowed reasonable traveling expenses incurred in attending the meetings of said board.

When act to take effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER XIX.

AN ACT TO ABOLISH THE DISTINCTION BETWEEN "PUBLIC" AND "PRIVATE" PATIENTS IN THE HOSPITAL FOR THE INSANE FOR THE STATE OF MINNESOTA.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Every insane person who is a *bona fide* resident of this state shall be admitted to the hospital for the insane for the state of Minnesota and maintained at

Hospital free to all bona fide resident patients.

the public expense, free of charge to his or her relatives or friends, and upon equal terms with every other insane person.

SEC. 2. All distinction between "public" and "private" patients, as defined in any law or statute of this state, is hereby abolished; and all resident insane persons within the state shall be deemed and treated as "public patients," and all laws, acts or parts of acts in relation to "private patients," or contrary to the provisions of this act, are hereby repealed.

Distinction between public and private patients abolished.

SEC. 3. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved March 5, 1874.

CHAPTER XX.

AN ACT TO AMEND CHAPTER TEN OF THE GENERAL LAWS OF EIGHTEEN HUNDRED AND SEVENTY-THREE, RELATING TO AN ASYLUM FOR INEBRIATES.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That chapter ten of the general laws of eighteen hundred and seventy-three, relating to an inebriate asylum, be amended by adding thereto, after section five, the two following sections, viz.:

SEC. 6. No person applying for a license under the provisions of this act, who shall have evaded payment of any license for which he was liable for any former year, shall be entitled to receive such license without first paying all licenses so evaded and for which he was liable.

When license not to issue.

SEC. 7. It shall be the duty of every county auditor in this state to make complaint before some justice of the peace of each and every person in his county violating any of the provisions of this act, and the county attorney of each county shall prosecute all offenders to final judgment.

Duty of county auditor.

Approved March 9, 1874.

CHAPTER XXI.

AN ACT RELATING TO THE MANAGEMENT OF THE SOLDIERS' ORPHANS' HOME.

Be it enacted by the Legislature of the State of Minnesota:

At what age inmates of any asylum may be discharged.

SECTION 1. It shall be the duty of the board of trustees of soldiers orphans to discharge all inmates of any home or asylum wherein soldiers' orphans are maintained at public expense when such orphans shall have attained the age of eighteen years.

Board to issue certificates of discharge.

SEC. 2. The board of trustees of soldiers' orphans are hereby authorized to have prepared a suitable certificate of discharge, and to issue one such certificate to each inmate of the soldiers' orphans' home who shall be honorably discharged therefrom; *Provided*, That the board of trustees shall have power by and with the advice and consent of the governor, in case they shall deem it advisable to send any such orphan or orphans after they shall have attained the age of eighteen years, to the state university, and the said board of trustees shall have power and authority to make provision for the education and support of such orphan or orphans at said university, provided the state shall not pay, or be held liable to pay for such support and education, to exceed four dollars per week for each orphan receiving the benefits herein provided for. *Provided further*, That in case of mental or physical disability, or other good and sufficient reason, the board of trustees may, with the consent of the governor, retain as inmates of said home or asylum, such orphan or orphans until they shall be competent to properly maintain themselves.

When act to take effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER XXII.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF COUNTY SUPERINTENDENTS OF SCHOOLS IN THE COUNTIES OF TODD, WADENA, OTTER TAIL, WILKIN, CLAY, BECKER, POLK, BELTRAMI, TRAVERSE AND PEMBINA, AND LEGALIZE APPOINTMENTS ALREADY MADE.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. The several boards of county commissioners of the counties of Todd, Wadena, Otter Tail, Clay, Becker, Wilkin, Polk, Beltrami, Traverse and Pembina shall at their regular session held next after the passage of this act, appoint a fitting person of high moral character and literary attainments as county superintendent of schools of their respective counties, who shall enter upon his duties upon the first Tuesday of April next and hold his office for two years and until his successor is appointed and qualified. *Provided*, That if any of said boards of county commissioners has appointed a county superintendent of schools for their county at their regular January session held for the year A. D. eighteen hundred and seventy-four, said appointments and each of them are hereby declared valid and by this act are made legal.

County commissioners to appoint county superintendents of schools.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved February 20, 1874.

CHAPTER XXIII.

AN ACT TO REPEAL A PART OF SECTION FIFTY-FIVE OF AN ACT TO PROVIDE FOR THE MANAGEMENT OF COMMON SCHOOLS AND SCHOOL DISTRICTS OF GENERAL LAWS PASSED EIGHTEEN HUNDRED AND SEVENTY-THREE.

Be it enacted by the Legislature of the State of Minnesota :

Repeal of former
act.

SECTION 1. That so much of section fifty-five of an act to provide for the management and government of common schools and school districts, of general laws, eighteen hundred and seventy-three, which reads as follows: *Provided*, That no person interested in any manner directly or indirectly, in the sale or manufacture of school books, apparatus or furniture, shall hold any office in any school district or board of education in any incorporated city, village or town nor shall any such person be eligible to or remain a member of any school district board or board of education is hereby repealed.

When act to take
effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 25, A. D. 1874.

CHAPTER XXIV.

AN ACT TO FIX THE CAPITAL REQUIRED OF FIRE AND MARINE INSURANCE COMPANIES.

Be it enacted by the Legislature of the State of Minnesota:

Amount of capital
required.

SECTION 1. No joint stock fire, inland or marine insurance company shall be organized in this state unless it has one hundred thousand dollars capital.

Repeal of inconsistent
acts.

SEC. 2. All acts or parts of acts inconsistent with this act are hereby repealed.

When act to take
effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER XXV.

AN ACT TO AMEND SECTION TWELVE OF TITLE THREE OF CHAPTER ONE OF THE GENERAL LAWS OF EIGHTEEN HUNDRED AND SEVENTY-TWO, ENTITLED AN ACT TO ESTABLISH A RECIPROCAL GENERAL INSURANCE LAW FOR THE STATE OF MINNESOTA AND TO REVISE AND AMEND THE LAWS OF SAID STATE RELATING TO HOME AND FOREIGN INSURANCE COMPANIES.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. Section twelve of title three of chapter one of the general laws of eighteen hundred and seventy-two, is hereby amended so as to read as follows: Statements for publication shall be made out on the blanks furnished by the insurance commissioner and under his direction and the insurance commissioner's certificate of authority to do business in the state shall be published in connection with the said statement of such company doing business in this state. Proof of publication to-wit, the printer's affidavit of the fact shall be filed with the insurance commissioner in all cases.

Blank statements furnished by insurance commissioners.

SEC. 12. Every insurance company doing business in this state must transmit to the insurance commissioner a statement of its condition and business for the year ending on the preceding 31st of December, which statement shall be rendered within sixty days thereafter except that foreign companies shall transmit their statement of business, other than that done in the United States prior to the following 1st day of July, said statement must be published at least three times in some newspaper of general circulation printed and published either at the capital of the state or in the county where the state agency of such insurance company is located.

To transmit statement of condition and business, when.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved March 9, 1874.

CHAPTER XXVI.

AN ACT CREATING A BOARD OF RAILROAD COMMISSIONERS, DEFINING THEIR DUTIES, AND PROVIDING FOR THE ESTABLISHMENT OF MAXIMUM RATES FOR [THE] TRANSPORTATION OF PASSENGERS AND FREIGHT UPON THE RAILROADS OF THIS STATE, AND TO PREVENT EXTORTION AND UNJUST DISCRIMINATION OF RAILROAD CORPORATIONS OR THEIR EMPLOYEES, AND TO PRESCRIBE A MODE OF PROCEDURE AND RULES OF EVIDENCE IN RELATION THERETO.

Be it enacted by the Legislature of the State of Minnesota:

Creation of
board of railroad
commissioners.

SECTION 1. There is hereby created a board of railroad commissioners, to consist of three suitable persons, citizens of the state of Minnesota, no one of whom is a stockholder, trustee, assignee, lessee, agent or employee of any railroad corporation, to be appointed by the governor—by and with the advice and consent of the Senate—who shall hold their office for the period of two years, and until their successors are appointed and qualified; such commissioners shall take the customary oath of office, and shall severally enter into bonds with security, to be approved by the governor, in the sum of twenty thousand dollars, conditioned for the faithful performance of their duties as such commissioners. They shall hold their office in the state capitol at St. Paul. The governor may remove from office any member of the said board, whenever it appears to him by competent evidence that said officer has been guilty of malfeasance or nonfeasance of his official duties; and the governor may fill any vacancy arising from any cause in said board.

Compensation.

SEC. 2. Each of said commissioners shall receive for his services as compensation the sum of three thousand dollars per annum, to be paid as the salaries of other officers are paid. They shall be furnished office furniture and stationery at the expense of the state, and shall have power to appoint a secretary to perform such duties as they shall assign to him, who shall receive for his services a sum not exceeding twelve hundred dollars per annum.

SEC. 3. The said commissioners shall be in session at all times for the performance of their duties under this act. The decision of a majority of the said commissioners upon any matter shall be the decision of the board; a majority of such board shall constitute a quorum for all purposes, and they shall keep a record of all their proceedings. Such commissioners shall, on or before the first day of December in each year, and oftener, if required by the governor so to do, make a report to the governor of their doings for the preceding year, containing such facts, statements and explanations as will disclose the actual workings of the system of railroad transportation in its bearings upon the business of the state, and such suggestions in relation thereto as may to them seem appropriate. They shall also, at such times as the governor may direct, examine any particular subject relative to the condition and management of such railroads, and report to him in writing their opinion thereon, with the reasons therefor.

What to constitute a quorum for the transaction of business—to make report.

SEC. 4. Said board of railroad commissioners shall have power to employ railroad experts; to examine the property books, records, accounts, papers and proceedings of all railroad companies; to issue subpoenas for the attendance of witnesses, and to administer oaths, and take testimony; and the attendance of witnesses and production of evidence, may be enforced as now provided for by law in causes before referees, and any court or officer authorized by law to issue subpoenas, shall, when ever requested by said board of commissioners, issue subpoenas requiring the parties therein named to appear before such board of railroad commissioners and testify, and any disobedience of such subpoena, or refusal to appear and testify thereunto, shall be regarded as a contempt of the court issuing the same, and punished by said court as a contempt. Whenever it shall come to the knowledge of said board of commissioners, or they shall have reason to believe that the laws of this state have been or are being violated by any railroad corporations, they shall, whenever in their judgment the public interest shall require, cause to be prosecuted all corporations or persons guilty of such violations, and to this end require the assistance of the attorney general or any county attorney, or other county officer, as may be needed to institute or prosecute any or all such proceedings. Whenever it shall be necessary to enable said commissioners efficiently to perform their duties under this act, for such commis-

Power of board

Allowed necessary traveling expenses.

sioners or any one of them, to visit any point in this state, such commissioners shall be allowed their necessary expenses.

To make schedule of maximum rates and charges for freight and passengers.

SEC. 5. The board of railroad commissioners provided for in this act is hereby directed to make for each of the railroad corporations doing business within this state, on or before the first day of August, Anno Domini one thousand eight hundred and seventy-four, a schedule of reasonable maximum rates of charges for any and all distances, for the transportation of freight of all kinds and quantities, and passengers and cars on each of said railroads, as well as reasonable maximum rates for receiving, handling and delivering freights and cars received by them for transportation.

Schedule to be taken and deemed as evidence that the rates are reasonable maximum rates.

SEC. 6. Said schedule, or a printed copy thereof, when certified as hereinafter provided, shall in all actions brought against any such railroad corporation wherein is in any way involved the charges of any such railroad corporation for the transportation of any passenger, or freight, or cars, or for receiving, handling or delivering freights, or cars, or any unjust discriminations in relation thereto, be deemed and taken in all courts of this state, as prima facie evidence that the rates therein fixed are reasonable maximum rates of charges for the transportation of passengers and freights and cars, and for receiving, handling or delivering freights and cars upon the railroads for which such schedules may have been respectively prepared.

Authorized to revise schedule and in case of change to be promulgated.

SEC. 7. Said board of railroad commissioners shall from time to time, and as often as circumstances may require, change and revise said schedules. When said schedules shall have been made, changed or revised as aforesaid, it shall be the duty of said board to cause publication thereof to be made once a week for three successive weeks in two weekly newspapers printed and published in the city of St. Paul, in this state. A printed copy of any such schedule, together with the certificate of the railroad commissioners of the state that the same is a copy of the schedule by such board made of reasonable maximum rates of charges for the transportation of passengers and freight and cars by any such railroad corporation, or for receiving, handling or delivering freights or cars, (naming it) and that the same has been printed and published as provided by the provisions of this act, (naming the title of this act) shall entitle such copy to be

read as evidence in all courts of this state upon the trial of any action arising under the provisions of this act.

SEC. 8. If any such railroad corporation shall make any unjust discrimination in its rates or charges of toll or compensation for the transportation of passengers or freight of the same class, or for the use and transportation of any railroad car upon its said road, or upon any of the branches thereof, or upon any railroads connected therewith which it has the right, license or permission to operate, control or use within this state, or in furnishing facilities for the loading, unloading, handling or transporting of freights, or shall make any unjust discrimination whatever against any person or persons, town, village, city or station in this state, the same shall be deemed guilty of having violated the provisions of this act, and upon conviction thereof shall be dealt with as hereinafter provided.

Unjust discriminations deemed a violation of law.

SEC. 9. If any such railroad corporation shall charge, collect, or receive for the transportation of any passenger or freight of any description upon its railroad for any distance within this state, the same or a greater amount of toll or compensation than is at the same time charged, collected, or received for the transportation in the same direction of any passenger or like quantity of freight, of the same class, over a greater distance of the same railroad, or if it shall charge, collect, or receive, at any point upon its railroad, a higher rate of toll or compensation for receiving, handling, or delivering freight of the same class and like quantity than it shall at the same time charge, collect, or receive at any point upon the same railroad, or if it shall charge, collect, or receive for the transportation of any passenger or freight of any description, over its railroad, a greater amount of toll or compensation than shall at the same time be charged, collected or received by it for the transportation of any passenger and like quantity of freight, of the same class, being transported in the same direction, over any portion of the same railroad of equal distance, or if it shall charge, collect, or receive from any person or persons, a greater amount of toll or compensation than it shall at the same time charge, collect, or receive from any other person or persons for receiving, handling, or delivering freight of the same class and like quantity at the same point upon its railroad, or if it shall charge, collect, or receive from any person or persons for the transportation of any freight

What deemed unjust discriminations.

upon its railroad a higher or greater rate of toll or compensation than it shall at the same time charge, collect or receive from any other person or persons for the transportation of the like quantity of freight of the same class, being transported from the same point in the same direction over equal distances of the same railroad, or if it shall charge, collect or receive from any person or persons for the use and transportation of any railroad car or cars upon its railroad, for any distance, the same or a greater amount of toll or compensation than is at the time charged, collected or received from any other person or persons for the use and transportation of any railroad cars of the same class or number, for a like purpose, being transported in the same direction over a greater distance of the same railroad, or if it shall charge, collect or receive from any person or persons for the use and transportation of any railroad car or cars upon its railroad, a higher or greater rate of toll or compensation than it shall at the same time charge, collect or receive from any other person or persons for the use and transportation of any railroad car or cars of the same class or number, for the like purpose, being transported from the same point, in the same direction, over an equal distance of the same railroad, or in furnishing facilities for loading, unloading, handling or transporting freights, all such discriminating acts, rates, charges, collections or receipts, whether made directly or by means of any rebate, drawback or other shift or evasion, shall be deemed and taken against such railroad corporation as prima facie evidence of the unjust discriminations prohibited by the provisions of this act, and it shall not be deemed a sufficient excuse or a justification of such unjust discriminations on the part of such railroad corporation that the railway station or point at which it shall have charged, collected or received the same or less rates of toll or compensation for the transportation of such passenger or freight, or for the use and transportation of such railroad car the greater distance than for the shorter distance, is a railway station or point at which there exists competition with any other railroad or means of transportation. This section shall not be construed so as to exclude other evidence tending to show any unjust discrimination in freight or passenger rates. The provisions of this section shall extend and apply to any railroad, the branches thereof, and any road or roads which any railroad corporation has the right,

Applicable to all
railroads and
branches within
this state.

license or permission to use, operate or control wholly or in part in this state. *Provided, however,* That nothing herein contained shall be so construed as to prevent railroad corporations from issuing commutation, excursion or one thousand mile tickets as the same are now issued by such corporations.

And provided further, that nothing herein contained shall be construed to prevent any such railroad corporation from charging and collecting such a terminal charge for the receiving, handling, shipping and delivering of any freight to be transported, or which has been transported over a less portion of its line than the whole thereof, as may be fixed and prescribed by the board of railroad commissioners, in the schedule made as aforesaid.

The said terminal charge not to exceed forty cents per ton on all kinds of grain and products of grain, lumber, coal, salt and wood, and also provided that nothing in this act shall be construed to prevent any railroad corporation from transporting any kind of agricultural products, grain, flour or coal, shipped from any point in any state south or west of this state, to any point within this state, at uniform rates, less than the established local rates between points within this state, nor to prevent any railroad corporation from transporting lumber from any point within this state, at uniform rates, consigned and to be transported in good faith to a point without this state, not less than twenty-five miles from the line of the state by said line of railroad at less than the established local rates between points within this state.

Rate of terminal charge.

SEC. 10. It shall be the duty of any such railroad corporation, when within their power to do so, to furnish suitable cars to any and all persons for the transportation of any and all kinds of freight when requested so to do, and to receive freight of any and all kinds and to transport the same with all reasonable dispatch, and to provide suitable facilities for receiving and handling the same at any depot, station or junction, on the line of its railroad.

To receive and transport all kinds of freight.

SEC. 11. At all points and places in this state, where two or more lines of railway intersect or terminate, the railroad corporations respectively owning or operating such lines, shall cause suitable junctions of all lines to be made and established, within six months after the passage of this act, so that cars can be transferred with facility from any one to any other of such intersecting or terminating lines. Any such junction hereafter made, or

At crossings of two or more lines suitable junctions to be maintained for transfers.

which has been heretofore made, shall be perpetually maintained for the purpose of such transfer of cars; and the expense of establishing and maintaining the same shall be borne by the owners or operators of the several lines so joined on equitable terms, and in case of disagreement between any such roads, as to such equitable terms, then on such terms as may be determined by the board of railroad commissioners

In case of two or more terminal lines intersect, to maintain and construct suitable switches, platforms, &c.

Transfers from one line to the other to be made without unnecessary delay.

SEC. 12. At all points and places within this state, where two or more lines of railway intersect or terminate, the railroad corporations respectively owning or operating such lines shall, within six months after the passage of this act, construct and maintain suitable switches, platforms and sidings, by which property laden on cars upon any one of such intersecting or terminating lines, may be transferred directly and with facility to cars upon any other of such intersecting or terminating lines. And when any property transported over any one of such intersecting or terminating lines, is consigned to any point upon any other of such intersecting or terminating lines, it shall be the duty of the operator of the former of such lines, to deliver, without unnecessary delay, all such property, and of the operator of the latter of such lines thereupon to receive the same, directly on board the cars of such latter line, and for that purpose it shall be the duty of the operators of such lines, at the request of either of them, or of the shipper or consignee of such property, to place the cars from which such property is to be discharged, and the cars upon which the same is to be laden, directly along side of each other, at some proper place, upon suitable switches or sidings, established for that purpose as hereinbefore provided, and to furnish suitable facilities for the transportation of freight from the one line to the other. And it shall be the duty of any person, copartnership, association, company or corporation, owning or operating any line of railway within this state, to haul over such line, any freight or platform car or cars, whether laden or unladen, belonging to any other person, copartnership, company, association or corporation, which may be offered for such haulage, to and from such points upon such line, as the parties offering such car or cars for haulage may desire. And any such car or cars so offered for haulage, shall be forwarded by the operator of such line, to the place of the destination thereof upon such line, and delivered to the con-

signee thereof, or to the operator of any connecting line of railway over which the same are to pass, without any unreasonable or unnecessary delay.

SEC. 13. Any person, copartnership, association, company or corporation, owning or operating any elevator, warehouse, lumber yard, coal yard, wood yard, mill or manufactory, located on or near any railroad in this state, shall have the right to construct a track for the passage of cars from the same to any proper point for such purpose, upon such line of railroad, and to make proper connection with such line, so that the cars may be with facility passed from such track to such line and from such line to such track; and shall have the right at all proper times, and in a proper manner, to pass cars, which have been hauled over such line, to and from said track and line, as the case may be. And the railroad company shall be required to deliver upon such side track, cars, or car loads consigned thereto, and to and from the same, cars or car loads for transportation, at the same rates charged by the corporation to and from any other depot or side track in the same town, village, city or locality. For the purpose of making and maintaining such track and connection, the party making the same shall pay the owner or operator of such line of railway, in the form of an annual rent, such compensation as such privilege may be reasonably worth, (to be fixed by said board of railroad commissioners where parties cannot agree) which may be demanded for the period of one year in advance; and shall in no case cause delay to any train on such road or unreasonable detention to cars for the purpose of such side track; such track and connection shall be and remain under the supervision and control of the owner or operator of such line of railway, so far as may be necessary to prevent any danger or inconvenience in the operation of the train.

Owners of warehouses, &c., authorised to build side tracks or connecting tracks.

Owners of warehouses, &c., to compensate railroad for use of track.

SEC. 14. The term "car load," contained in this act shall be deemed and taken to mean twenty thousand pounds. The term "railroad corporation," contained in this act, shall be deemed and taken to mean all corporations, companies, individuals or associations of individuals now owning or operating, or which may hereafter own or operate any railroad in whole or in part in this state. And the provisions of this act shall apply to all persons, firms and companies, and to all associations of persons, whether incorporated or otherwise, that shall do business

Defines certain terms.

as common carriers on any of the lines of railroads in this state, (street railways excepted) the same as the corporations hereinbefore mentioned.

How suits may
be brought for
violation.

SEC. 15. If any such railroad corporation shall, in violation of any of the provisions of this act, ask, take, demand, charge, collect or receive of any person or corporation an unreasonable amount or sum of money for the transportation of any passengers, goods, merchandise or property, or for receiving, handling or delivering freights, or shall make any unjust discrimination against any person or corporation, or any town, village or city, or shall violate any of the provisions of this act, the person, or corporation, or town, village or city so offended against, may, for each offense, recover of such railroad corporation in a civil action, in any court having jurisdiction of the amount claimed, three times the amount of the damages sustained by the party aggrieved, together with the costs and a reasonable attorney's fee, to be fixed by the court when the same is heard on appeal or otherwise, and taxed as a part of the costs of the case.

Penalty for violation.

SEC. 16. Any such railroad corporation guilty of extortion or of any unjust discrimination as to passenger or freight rates, or the rates for the use and transportation of railroad cars, or in receiving, handling or delivering freights, or of violating any of the provisions of this act, shall, upon conviction thereof, be fined in any sum not less than one thousand dollars for the first offense, and for the second and each subsequent offense not less than two thousand dollars nor more than five thousand dollars; *Provided*, That in all cases under this act, either party shall have the right of trial by jury.

How fines to be
recovered.

SEC. 17. The fines mentioned in the last preceding section may be recovered in a civil action in the name of the state of Minnesota, and there may be several causes of action joined in the same complaint, as to extortion and unjust discrimination, and as to passenger and freight rates, and rates for the use and transportation of railroad cars, and for receiving, handling or delivering freights, or for the violation of any other of the provisions of this act. *Provided*, That in all cases under the provisions of this act, a preponderance of evidence in favor of the state shall be sufficient to authorize a verdict and judgment for the state. Whenever final judgment for the recovery of any penalty prescribed by this act shall be rendered against any railroad corporation, it shall be the

duty of the board of railroad commissioners to institute proceedings, in the nature of *quo warranto*, against such railroad corporations, for the purpose of procuring by adjudication the vacation of its charter and extinguishment of its franchise, and the judge before whom such proceedings shall be instituted, may upon sufficient cause shown, and where it shall appear that the defendant is violating the provisions of this act, pending any action under the provisions of this act, appoint one or more receivers for any such railroad corporation, during the pendency of such action, with such powers and under such restrictions as may be deemed just and equitable.

When receiver
may be appoint-
ed.

SEC. 18. In all cases arising under the provisions of this act, the rules of evidence and practice shall be the same as in other civil actions, except as in this act otherwise provided. Amendments may be granted to the pleadings and all the proceedings, as in other civil cases. And appeals shall be granted to either party from a justice court to the district court, and from the district court to the supreme court in like manner and upon like terms as in other civil actions; *Provided, however*, That the state shall not be required to give a bond or other security upon any such appeal. The remedies hereby given shall be regarded as cumulative to the remedies now given by law against railroad corporations, and this act shall not be construed as repealing the common law giving such remedies. Actions commenced under its provisions shall have precedence over all other business in the courts of this state, except criminal business.

Rules of prac-
tice.

Right of appeal.

SEC. 19. Any person, being a resident of this state, and feeling himself aggrieved on account of the violation of any of the provisions of this act, may make complaint in writing and under oath to the board of railroad commissioners, stating in concise terms the main facts constituting such violation, and if in the opinion of such board, the facts there stated require action on their part it shall be their duty to inquire into the same, and if they deem proper to require the attorney general or the proper county attorney, to institute suit against such railroad corporation, to recover the fines and penalties prescribed by this act.

Grievances to be
filed with board
of commissioners

SEC. 20. All fines recovered under this act shall be paid into the state treasury and applied to the general expenses of the state government.

Disposition of
fines recovered.

SEC. 21. The railroad commissioners whenever they

May employ as-
sistant counsel.

shall deem it necessary may employ counsel to assist in conducting any such action on behalf of the state, and the reasonable expenses of the same shall be paid by the state.

Dismissal.

SEC. 22. No action commenced on behalf of the state, under the provisions of this act, shall be dismissed unless the reason therefor shall be stated on the record.

Applicable to
employees and
agents.

SEC. 23. The provisions of this act shall apply to the employees and agents of any such railroad corporation, as well as to such railroad corporation itself, and any employee or agent of any such railroad corporation, who shall knowingly violate any of the provisions of this act, or who shall knowingly aid or assist any such railroad corporation in the violation of any of the provisions of this act, shall be personally liable to the party aggrieved and to the state, in the same manner and to the same extent as such railroad corporation is by this act made liable, and separate actions may be commenced at the same time and for the same violations of this act, against any such railroad corporation and employee or agent thereof, and prosecuted to judgment and final execution.

Repeal of former
act.

SEC. 24. So much of chapter 22 of the general laws of one thousand eight hundred and seventy-one, as creates the office of railroad commissioner, is hereby repealed, and the board of railroad commissioners created by this act shall possess all the powers and perform all the duties of such railroad commissioner prescribed in said act, except so far as the same have been changed by the provisions of this act.

Repeal of former
act.

SEC. 25. An act of the legislature of this state entitled "An act to regulate the carrying of freight and passengers on all railroads in this state," approved March sixth, eighteen hundred and seventy-one, is hereby repealed; but said repeal to take effect and be in force on the first day of August, Anno Domini eighteen hundred and seventy-four, but said repeal shall not affect or repeal any actions or proceedings, or rights of actions already accrued, growing out of or founded upon said act.

When act to take
effect.

SEC. 26. This act shall take effect and be in force sixty days after its passage, except that the provisions thereof in reference to the appointment of commissioners and defining their duties shall take effect and be in force from and after its passage.

Approved March 6, 1874.

CHAPTER XXVII.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO ESTABLISH THE LOCATION OF THE GENERAL OFFICE OF RAILWAY COMPANIES CHARTERED UNDER THE LAWS OF THIS STATE."

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That every railroad company heretofore or hereafter incorporated by the laws of the territory or state of Minnesota, shall establish within this state, at some point on the line, or at a terminal point of its road an office to be known as its general office, within this state, and at said point keep some officer of said company or special auditor of accounts, secretary or general agent, upon whom service of all legal process against said company may be made, and who shall be authorized to hear and determine all questions relating to the current business of said company arising within the state.

General railway office.

SEC. 2. At said office there shall be kept at all times the original minutes of the board of directors or executive committee of the board, and a list of the stockholders of the company, or correct copies thereof, which copies shall be kept [up] from time to time of the entries in the original number [minutes] or transfers which occur.

List of stockholders and original minutes of board of directors to be kept at said office.

SEC. 3. That all land grant companies shall keep within this state, at some office publicly established, the original or copies of all books, papers and records of every description relating to the land sold, encumbered, contracted, or owned by such company, sufficient to show intelligibly all material matters connected with such grant and the management of its lands, which books and papers shall be open at all reasonable times on demand, to inspection by the auditor of state, railroad commissioner, or any agent appointed for that purpose by the governor.

To keep record of lands sold, &c., by said company.

SEC. 4. If any such company shall fail to comply with the provisions of this act, it shall, for every month it shall fail to establish and maintain such offices, forfeit

Penalty for failure to comply with provisions of this act.

and pay for the use of the general fund of the state, the sum of five hundred dollars, to be recovered in any court of competent jurisdiction, to be prosecuted and collected by the attorney general, in the name of the state of Minnesota.

Repeal of former act

SEC. 5. The act entitled "An act to establish the location of the general offices of railroad companies, chartered under the laws of the state," approved March sixth, eighteen hundred and seventy-three, is hereby repealed.

When act to take effect.

SEC. 6. This act shall take effect and be in force from and after the first day of May next.

Approved March 9, 1874.

CHAPTER XXVIII.

AN ACT RELATIVE TO THE PROCEEDING IN CONDEMNATING PROPERTY FOR PUBLIC USE ON BEHALF OF RAILROAD COMPANIES.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. All awards for compensation and damages for taking lands for public use to draw interest until paid. ages for the taking of land for public use on behalf of railroad corporations, where no appeal is taken, shall draw interest at the rate of seven per cent. per annum from the date of the filing of such awards until paid, and where an appeal is taken the verdict in such appeal shall draw the like rate of interest until paid.

Additional tax in case of appeal.

SEC. 2. Where an appeal is taken from such awards and verdict rendered, the court shall add to such verdict all taxes and local assessments imposed upon the property sought to be condemned since the initiation of the condemnatory proceedings, and paid by the owners of the property, and also in case the property has not been occupied by the owner from the time of the filing of the award interest upon the amount fixed by the verdict from the date of such filing at the rate of seven per cent. per annum and the payment of any such tax or assessments by such owner shall be conclusive evidence of the

legality and validity in all respects of such tax or assessment.

SEC. 3. If such award when no appeal is taken is not paid within sixty days after the filing of said award, or in case an appeal is taken within sixty days after the entry of final judgment the judge or court before whom the condemnatory proceedings were initiated or the court wherein such award is filed or judgment entered, shall, upon motion of the owner of the property sought to be condemned, vacate and set aside all such proceeding including the award and judgment if any. *Provided*, That in all cases when the award has heretofore been so filed and no appeal has been taken, and in all cases where such appeal has been taken and judgment entered, said sixty days shall commence to run from the date of the passage of this act.

When award and judgment may be set aside.

SEC. 4. If the commissioners appointed in any such proceedings shall fail to make and file their awards within six months after their appointment is finally determined upon, all the proceedings shall, upon motion of the owner of the property sought to be condemned, be set aside and vacated as to the property of such owner by the judge or court making such appointment.

Specified time in which to make report.

SEC. 5. When such proceedings are discontinued by the corporation or vacated or set aside by the judge or court, the owner of such property or his heirs, assigns or legal representatives shall have the right to recover from the corporation initiating such condemnatory proceedings, reasonable costs and expenses, including counsel fees, and in addition thereto, where such lands have been taken possession of by the railroad company, as liquidated damages of such proceedings, a sum equal to and at the rate of seven per cent. per annum upon the value of said property from the date the railroad company took possession of said land until the discontinuance of said proceedings.

Right of owners to recover costs and expenses.

SEC. 6. This act shall apply as well to corporations created by special charter as to those organized under the general laws of the state, and as well to all proceedings pending, where the owner has not been actually paid for his property in whatsoever stage, such proceedings may now be as to those hereafter to be initiated. *Provided, however*, That where awards heretofore filed or verdict or judgments heretofore rendered in such proceeding still remain unpaid, such awards, verdicts and

Applicable to corporations created by special charter.

judgments shall draw interest at the rate of seven per cent. per annum.

When act to take effect.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER XXIX.

AN ACT RELATING TO RAILROAD CORPORATIONS AND COMMON CARRIERS.

Be it enacted by the Legislature of the State of Minnesota:

Railroads running parallel not to consolidate stock.

SECTION 1. No railroad corporation, or the lessees, purchasers or managers of any railroad corporation, shall consolidate the stock, property or franchises of such corporation with, or lease or purchase the works or franchises of, or in any way control any other railroad corporation owning or having under its control a parallel or competing line; nor shall any officer of such railroad corporation act as an officer of any other railroad corporation owning or having the control of a parallel or competing line; and the question whether railroads are parallel or competing lines shall, when demanded by the party complainant, be decided by a jury as in other civil issues.

When act to take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER XXX.

AN ACT ENTITLED AN ACT MAKING RAILROAD COMPANIES OR CORPORATIONS LIABLE FOR DAMAGE CAUSED BY FIRES IN CERTAIN CASES.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. All railroad companies or corporations operating or running cars or steam engines over roads in this state shall be liable to any party aggrieved for all damage caused by fire being scattered or thrown from said cars or engines without the owner or owners of the property so damaged being required to show defect in their engines or negligence on the part of their employees. But the fact of such fire being so scattered or thrown shall be construed by all courts having jurisdiction as prima facie evidence of such negligence or defect provided that the said railroad corporation may show upon the trial of any action that said damage arose from the default or negligence of the party injured.

Damages awarded caused by fire.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved March 9, 1874.

CHAPTER XXXI.

AN ACT FOR THE REGULATION OF GRAIN ELEVATORS AND WAREHOUSES.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. It shall not be lawful for any railroad company or person, association or corporation engaged in the business of keeping an elevator or warehouse, situated upon the line of any railroad in this state, for receiving and handling grain for other persons, to charge any greater sum than two cents per bushel for receiving, elevating, handling and delivering such grain; nor shall it be lawful for any such railroad company, person, association or corporation to employ or allow any person to act as inspector of the grain received into their elevator or warehouse who is in any manner, directly or indirectly, interested in the purchase or shipping thereof.

Establishing rates for receiving grain in elevators.

SEC. 2. Whenever any railroad company shall refuse to receive, store, handle and deliver grain, at any station on the road, at the rates provided in section one of this act, then in such case, said railroad company shall, upon

When parties other than railroad corporation may erect and maintain warehouses.

demand, allow any person, association or corporation, to erect and maintain, at such station, adjoining the railroad track, or side-track, warehouses to receive, store and ship grain; or, at the option of the railroad company, such company shall build and maintain a side-track to and for the use and accommodation of any warehouse near the station. And no person keeping a warehouse or elevator shall in any case be compelled to pay the railroad company, or any person keeping any other warehouse or elevator, any sum or compensation for or on account of the privilege of doing business.

Penalty for violation.

SEC. 3. Any railroad company, or any keeper of any warehouse or elevator, or any person who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than one hundred nor more than five hundred dollars, in the discretion of the court.

When act to take effect.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER XXXII.

AN ACT TO DECLARE CERTAIN ELEVATORS AND GRAIN HOUSES PERSONAL PROPERTY FOR THE PURPOSE OF ASSESSMENT AND TAXATION.

Be it enacted by the Legislature of the State of Minnesota:

Declared personal property.

SECTION 1. All elevators, warehouses or grain houses, and all machinery and fixtures therein, situate upon the line of any railroad corporation in this state, and which were built by money or means other than those of such corporation upon lands owned by the railroad company and not at the time in good faith owned, operated and exclusively controlled by said corporation, shall be taken and deemed for all purposes of assessment and taxation personal property, and the same shall be assessed in the manner provided for in the general laws of this state to the proper owner thereof.

SEC. 2. This act shall take effect and be in force from When act to take effect. and after its passage.

Approved March 9, 1874.

CHAPTER XXXIII.

AN ACT TO PROVIDE FOR FILLING VACANCIES IN CEMETERY ASSOCIATIONS.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That all vacancies occurring by death or otherwise in the membership of any cemetery association, heretofore or hereafter organized under title five of chapter thirty-four of the general statutes, as amended by an act entitled "an act," to amend title five of chapter thirty-four of the general statutes, "approved March 10th, 1873," may be filled by a vote of the surviving or remaining associates named in the certificate of association. All persons so selected to fill any such vacancy, shall be entitled to vote at the election of trustees, and be eligible to the office of trustee of said incorporation, and shall have and be entitled to the same rights, powers and privileges as the original associates named in said certificate. Vacancies, how filled.

SEC. 2. This act shall take effect and be in force from When act to take effect. and after its passage.

Approved February 28, 1874.

CHAPTER XXXIV.

AN ACT FOR THE FURTHER PROTECTION OF CEMETERIES IN THE STATE OF MINNESOTA.

Be it enacted by the Legislature of the State of Minnesota:

Penalty for dis-
charging fire-
arms in ceme-
teries.

SECTION 1. That it shall be unlawful for any person to discharge any fire-arm, unless authorized to do so by the trustees, upon or over the grounds of any cemetery which is now established, or may hereafter be established, in this state; and any person so offending shall upon conviction before any court or magistrate having jurisdiction, be fined any sum not exceeding twenty dollars and costs, or be imprisoned in the county jail for the period of ten days, or shall be subjected to both of said punishments, in the discretion of the court or magistrate.

To appoint
watchmen—
power of.

SEC. 2. That it shall be lawful for the trustees, directors, or other officers, of all organized cemeteries within this state, to appoint as many day and night watchmen of their grounds as they may deem expedient; and such watchmen, and also all their superintendents, gardeners and agents stationed on such grounds, are hereby authorized to take and subscribe before any mayor [or] justice of the peace, in the township where such cemeteries may be situate, an oath of office similar to the oath required by law of constables, and upon the taking of such oath such watchmen, superintendents, gardeners and agents shall have, exercise and possess all the powers of police officers within and adjacent to said cemetery grounds; and they and each of them shall have power to arrest on view all persons engaged in violating the laws of this state in reference to the protection, care and preservation of cemeteries, and of the trees, shrubbery, structures and adornments therein, and to bring such persons so offending before a mayor or justice of the peace within such township, to be dealt with according to law.

When act to take
effect.

SEC. 3. This act shall take effect from and after the day of the passage thereof.

Approved March 9, 1874.

CHAPTER XXXV.

AN ACT TO AMEND CHAPTER THIRTY-EIGHT, TITLE ONE OF THE GENERAL STATUTES IN REFERENCE TO THE PROTECTION AND MANAGEMENT OF THE PUBLIC LANDS OF THE STATE OF MINNESOTA.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That chapter thirty-eight, title one of the general statutes, relating to the protection and management of the public lands of Minnesota is hereby amended by adding thereto the following sections :

Sec. 53. That in addition to the penalties provided for in this title, against those committing trespass upon any of the lands owned or held in trust or otherwise by this state, the state auditor, by virtue of his office as commissioner of the land office, is hereby authorized and empowered, without legal process, to seize and take or cause to be seized and taken any and all lumber [timber,] wood, grass or other property unlawfully severed from the said lands, whether the same has been removed from said lands or not and may dispose of the property so seized and taken, either at public or private sale, in such manner as will be most conducive to the interests of the state and all moneys arising therefrom, after deducting the reasonable and necessary expenses of such seizure and sale, shall be a part of the permanent school fund and shall be invested in accordance with the provisions of this title.

Additional penalty for trespass.

Sec. 54. That for the purpose of determining the title to any property seized and taken under the provisions of the preceding section, the commissioner of the land office is hereby authorized and empowered to defend any and all actions that may be brought for that purpose and to do and perform those things necessary to protect the interests of the state.

Duty of land commissioner in determining title to property.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved March 4, 1874.

CHAPTER XXXVI.

AN ACT TO PROVIDE FOR OBTAINING TITLE TO LANDS
BY THE STATE OF MINNESOTA, FOR THE USE OF THE
STATE.

Be it enacted by the Legislature of the State of Minnesota:

When necessary
to acquire title to
real estate, how
to proceed.

SECTION 1. Whenever it shall be determined by the officers in charge, or designed to be in charge of any state institution, that it is necessary for the state to acquire for the use of such institution any real estate, whenever the same shall not be acquired by agreement, the title to the same may be acquired by the state as herein-after provided.

Notice to be
given for the ap-
pointment of
commissioners to
appraise land so
taken.

SEC. 2. The attorney general may, on behalf of the state, and for the use of any institution requiring for its uses such lands, give notice of his intention to apply for the appointment of three commissioners to appraise said real estate and the damage for taking the same to the district court in and for the county where such lands shall be situated, or to a judge of said court, giving a general description of the lands to be appraised or taken, and specify the time and place of such application, which said notice shall be published at least once in each week for three successive weeks, in a newspaper published in the county where the lands to be taken shall be situate, or if no newspaper shall be published in said county, then in a newspaper published in the city of St. Paul. At the time and place named in said notice, the attorney general, for and on behalf of the state, may present an application to said district court, or to a judge thereof, setting forth the name of the institution requiring said lands, and the general purposes for which the same are desired to be taken, and particularly describing said lands, for the appointment of such commissioners; and thereupon the court, or a judge thereof, may proceed to appoint three commissioners, who shall have cognizance of all cases named in such application, and shall have power to appraise the value of all such lands and the damages for the taking of the same; and

said commissioners, before entering upon the duties of their office, shall severally take and subscribe an oath to the effect that they will faithfully perform their duty as such appraisers, without partiality and to the best of their knowledge and ability, which oath shall be filed in the office of the clerk of the district court of the county in which the lands to be appraised shall be situate; and thereupon such commissioners shall proceed to examine the premises, in each lot or parcel of land separately, having given such notice as they may deem reasonable, to the owner, owners, or persons interested in said lands, and to the guardian of any minor, or insane person, which notice shall be in writing and shall be served on such owner, interested person or guardian, if such person shall be a resident of the county where such lands are situated, and if such person or persons shall not reside in said county, then by publishing such notice in such newspaper as such commissioners may select, and for such time as they may choose; and at the time and place named in notice the commissioners shall proceed, or a majority of them shall proceed, in each case or parcel of land, to an appraisement thereof, and of the damages sustained, or to be sustained by reason of the taking and use of such land, and shall make award, in writing, of such damages; and shall deliver one copy of such award, signed by the commissioners, or a majority of them, to the clerk of the district court in and for such county, to be by him filed in his office, and shall deliver another copy of such award to the attorney general, to be by him filed in his office.

Oath to be administered to commissioners.

SEC. 3. Either party may appeal from such award at any time within thirty days from the filing said award in the office of the attorney general by filing with the clerk of said court a notice of appeal signed by the party claiming such damage, or by the attorney general on behalf of the state; and in case of appeal by either party the clerk shall enter the appeal as an action in such court, naming the owner of such lands as plaintiff, and the officer or officers of the state representing the institution for the benefit of which such property is taken, and thereafter such appeal shall be tried as other causes in such court are tried, and a judgment rendered therein.

When appeal may be taken.

SEC. 4. In case such appeal shall be taken by the claimant of damages, and upon the trial the award of the commissioners shall be raised, then the appellant shall

Cost of appeal how recovered.

recover costs, otherwise such appellant shall pay costs; and if such appeal shall be taken on behalf of the state, and upon trial the award shall be decreased, then the said plaintiff shall pay costs; but if on trial such award shall be raised, then the plaintiff shall recover costs.

Award or judgment how paid.

SEC. 5. The award or the judgment rendered in case an appeal shall be and remain a claim against the state, and shall be paid out of any money in the treasury not otherwise appropriated, pursuant to special appropriation therefor; and in all cases such award, if not appealed from, or the judgment rendered thereon in case of appeal, shall be, and the same is hereby declared sufficient security for value and damage by reason of taking such property for public use, within the true meaning and intent of the constitution; and if no appeal shall be taken within the time prescribed in this act, or where an appeal has been taken and judgment shall have been rendered therein the state by its proper officers may thereafter enter upon and take possession of said property, and appropriate the same to the uses and purposes named in the application.

What to constitute the judgment roll.

SEC. 5. In case judgment shall be rendered on appeal, the clerk shall attach the application, the award of the commissioners, and copies of all notices and proof of publication or service thereof, together with the verdict and final judgment in the case, and the same shall constitute the judgment roll, to be filed in the office of the clerk of said court.

Title in fee simple.

SEC. 6. Title to land acquired under this act shall be absolute and vest in the state of Minnesota the absolute title in fee simple to such land.

When act to take effect.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER XXXVII.

AN ACT TO AUTHORIZE THE SEIZURE AND CONDEMNATION OF LANDS TO BE USED BY THE UNITED STATES FOR RIVER AND HARBOR IMPROVEMENTS, AND FOR LIGHT HOUSE PURPOSES.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. The governor of the state of Minnesota is hereby authorized and empowered to seize and take possession of any lands for the purpose of conveying the same to the United States, for use in river or harbor improvements, or for the erection and maintenance of light-houses thereon, not exceeding one hundred and sixty acres for any one light house, whenever the general government shall signify its intention to use the land for the above described purposes, by an application to the governor, accompanied by a plat and description of the land required, as near as the same can be platted and described without actual survey by the general government.

Authorized to take possession of lands for certain purposes.

SEC. 2. Whenever any such application shall be made to the governor, he shall appoint three commissioners whose duty it shall be, in the name of the state of Minnesota, to enter upon and take possession of any land so described and platted, for the purpose of conveying the same to the United States, and to cause the same to be surveyed and a plat thereof to be made and filed in the office of the secretary of state, whenever an actual survey has not been made by the general government.

Commissioners to be appointed.

SEC. 3. It shall be the duty of said commissioners to appraise the said land, and for that purpose they shall give notice to the claimant or owners of said land, or of any interest therein, of the time and place when and where said claimant or owner may appear before said commissioners to have their claims and interest adjusted, and the compensation to be paid by the state for such land fixed and determined.

Duty of commissioners.

SEC. 4. The notice required to be given to said claimants or owners shall be given personally to such

When notice to be served.

claimant as can be found within this state, at least twenty days before the meeting of said commissioners, informing them of the time and place of meeting of said commissioners and the object thereof. And in case any of the said claimants or owners cannot be found, after using due diligence for that purpose, the commissioners shall cause such notice to be published for four successive weeks in one paper published at St. Paul, and one paper published within the county where such lands, seized as aforesaid, are situate, should one be published therein.

When to be published.

Power of commissioners.

SEC. 5. The said commissioners or a majority of them, shall have full power to do all acts necessary to be done for the purpose of carrying out the objects of this act, to hear, examine and determine of and concerning the rights, interests and title of all and any of the claimants of said land, and also to assess the value thereof, and fix the compensation to be paid by the state therefor, as fully and effectually as if all the power necessary for the purposes aforesaid were herein specifically enumerated in this act, and the decision of such commissioners shall be final and conclusive in the premises, unless an appeal from the decision of such commissioners shall be taken within sixty days after the filing thereof in the office of the clerk of the district court of the county within which the said land lies, and the office of the secretary of state and the service of the notices of such filing, as hereinafter provided.

When to file decision in the office of the clerk of the court.

SEC. 6. It shall be the duty of the commissioners appointed under the provisions of this act, within twenty days after their decision is made, to file the same in the office of the clerk of the district court, within whose district the said land lies, and transmit a copy of such decision to the secretary of state to be by him filed in his office and notice of the filing of such decision shall be served by said commissioners on the parties interested and on the governor of the state, and the time of taking the appeal hereinafter provided for, shall commence to run as against each party entitled to take the same from the time of such service on him of the notice of such filing of the decision of said commissioners.

Right of appeal.

SEC. 7. The owners or claimants of said land or of any interest therein or the state of Minnesota shall be entitled to appeal from the decision of said commissioners to the district court of the judicial district in which the land lies within sixty days from the filing of the same as

aforesaid, and the service of the notices hereinbefore provided for and such appeal shall be heard and determined in like manner as appeals from the report of commissioners for condemning lands for the use of railroad corporations so far as the same may be applicable; *Provided*, That the appellant or appellants shall make and file in said court at the time of such appeal, on oath or affirmation that injustice has been done them by such decision; and *provided*, That if such appeal is taken by any other party to such proceedings than the state of Minnesota, the party so appealing shall execute and file with the clerk of the district court aforesaid, an undertaking, with sufficient sureties to be approved by the county clerk for the payment of all costs and disbursements incurred by the state arising from such appeal which undertaking shall be in the name of the state of Minnesota.

SEC. 8. If upon the trial of such appeal in case the same shall be taken by any owner or claimant and the appellant or appellants shall fail to recover a judgment for sum greater than the amount awarded to them by the decision of the commissioners aforesaid not including interests, the said appellant or appellants shall pay all costs and disbursements arising on such appeal, and which shall be deducted from the sum awarded by the decision of the commissioners, and in case such sum is not less than the amount awarded by said commissioners, then the appellant or appellants shall recover costs as in like cases in the district court, and in case such appeal shall be taken by the state and the amount of such award is not decreased by said trial, costs shall be recovered against the state as aforesaid. But if the amount of such award is decreased by said trial the claimant or owner against whom such appeal was taken shall pay all costs and disbursements arising from such appeal and which shall be deducted from the sum awarded by verdict of the jury.

In case of appeal
costs how paid.

SEC. 9. The sum awarded by the decision of said commissioners or finally adjusted and awarded by an appeal to be paid by this state to the owners and claimants of the lands aforesaid, shall be paid from the treasury of this state to such owners or claimants in proportion to their rights and interests in such lands. Subject, however, in case of an appeal to the provisions of section seven of this act. *Provided*, That such money shall in no case be paid till the United States has formally signi-

When and by
whom awards
to be paid.

fied its acceptance of the lands so appraised and desire to purchase the same at the price awarded therefor.

Said lands to be clear from all incumbrances.

SEC. 10. Upon the filing of the final award under such proceedings in the office of the clerk of the district court aforesaid, and of the surety of the state and the formal acceptance of the same by the United States provided for in section 9, the title to the lands so seized and appraised and accepted by the United States, shall immediately, thereupon, become vested absolutely in this state, free and clear from all incumbrances and adverse titles or claims of any kind or nature whatsoever.

Compensation of commissioners.

SEC. 11. The commissioners appointed under the provisions of this act shall each receive three dollars per day for each day actually engaged in the service required of them, and their actual expense of travel and subsistence while so engaged, and witnesses required to attend before them shall receive the same per diem and mileage as now allowed by law for witnesses attending the district courts of this state.

When land to be conveyed to United States.

SEC. 12. The governor of Minnesota is hereby authorized and empowered to convey to the United States any lands that may have been seized under the provisions of this act, upon the payment of the United States to the state of Minnesota, the amount awarded and all expenses incurred by this state in seizing the land.

Exempt from taxation.

SEC. 13. The lands aforesaid, when so ceded, shall forever be exempt from all taxes and assessments so long as the same shall remain the property of the United States.

Jurisdiction ceded to the United States.

SEC. 14. The jurisdiction of this state is hereby ceded to the United States of America over all such pieces or parcels of land as shall be hereafter conveyed to the United States for the purpose of erecting light-house buildings thereon. *Provided*, That this cession is upon the express condition that the state of Minnesota shall so far retain a concurrent jurisdiction with the United States in and over the tracts of land aforesaid that all civil and criminal process issued under the authority of the state, or any officer thereof, may be executed on said lands, and in the buildings that may be erected thereon, in the same way and manner as if jurisdiction had not been ceded as aforesaid.

Approved March 9, 1874.

CHAPTER XXXVIII.

AN ACT FOR THE PRESERVATION OF GAME.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. No person shall kill, or pursue with intent to kill, any woodcock, save only during the month of July, after the third day of said month, and during the months of August, September and October, nor any prairie hen or chicken, nor any white breasted or sharp-tailed goose or prairie chicken, save only during the month of August, after the fourteenth day of said month and during the months of September and October; nor any quail or partridge, save only during the months of September and October; nor any ruffle grouse or pheasant, save only during the months of September, October and November, in any year. Any person or persons, offending against any provisions of this section, shall be punished by a fine of not less than five nor more than fifty dollars, or by the forfeiture of any and all of the above named game-birds found in his or their possession, and by the forfeiture of any gun or guns and sporting implements, and dog or dogs in his or their possession, together with the costs of prosecution, or both, in the discretion of the court.

Penalty for killing woodcock, &c., time when.

SEC. 2. No person shall kill, or take by any means, contrivance or device whatever, or pursue with intent to kill or take, or worry or hunt, with hounds or dogs, any elk, deer, buck, doe or fawn, save from the first day of October to the fifteenth day of December in any year, and any person or persons offending against any provisions of this section, shall be punished by a fine of not less than ten nor more than seventy-five dollars, or by the forfeiture of any and all of the above named game-animals found in his or their possession, and by the forfeiture of any gun or guns and sporting implements, and dog or dogs in his or their possession, together with the costs of prosecution or both, in the discretion of the court; *Provided*, That nothing in this section contained shall be construed to forbid any person from killing

Penalty for killing deer, &c., time when.

prairie chickens or grouse on cultivated or improved lands owned by him, or occupied by him for farming purposes as a tenant of the owner.

Penalty for
catching trout,
time when.

SEC. 3. No person shall catch, kill or take by any means, contrivance or devise whatever, or expose for sale in the state of Minnesota, any speckled, river or brook trout, save only during the months of April, May, June, July and August, in any year, and any person or persons offending against any provisions of this section shall be punished by fine of not less than five nor more than fifty dollars, or by the forfeiture of any and all the game-fish above named found in his or their possession, and by the forfeiture of all fishing tackle, baskets, and other sporting implements found in his or their possession, together with the costs of prosecution, or both, in the discretion of the court.

Penalty for sell-
ing or having in
possession out of
season certain
game.

SEC. 4. No person shall sell or expose for sale, nor have in his possession or custody, or under his control with intent to sell, dispose of or transport, or for any other purpose, any woodcock, save only during the months of July, after the third day thereof, and during the months of August, September and October; nor any white breasted or sharp tailed grouse or prairie chicken, save only during the months of August after the fourteenth day thereof, and during the months of September and October; nor any quail or partridge, save only during the months of September and October; nor any ruffle grouse or prairie chicken or pheasant, save only during the months of September, October and November; nor any elk, deer, buck, doe or fawn, or piece or green skin of either or any of them, save only during the months of October and November, and up to and including the 1st day of January; nor any speckle, river or brook trout, save only during the months of April, May, June, and July and August, in any year, and any person or persons whether natural person or corporation offending against any provision of this section, shall be punished by a fine when the property seized as hereinafter provided for shall not exceed the value of one hundred dollars, of not less than twenty nor more than one hundred dollars, or by the forfeiture of any and all the above named game-birds, animals and fish in his or their possession, or under his or their control, together with the cost of prosecution, or both, in the discretion of the court. But in case the property so seized shall exceed one hundred dollars

in value the [offender or] offenders as aforesaid, may be punished by a fine not exceeding five hundred dollars, or by the forfeiture as above provided for, or both, in the discretion of the court.

SEC. 5. The provisions of the proceeding section shall apply to every corporation, railroad company or express company carrying on business within this state, and to any and every employee of such corporation, railroad company, or express company. *Provided*, That when a corporation shall be defendant, the process shall be served and the penalty recovered and enforced as in civil actions.

Applicable to common carriers.

SEC. 6. No person shall break up or destroy, take away, or in any manner interfere with any nest, or the eggs therein, of any woodcock, snipe, quail, partridge, ruffed grouse, or prairie chicken, pheasant, plover, or any species of wild duck, brant or wild goose, not domesticated, nor shall sell or expose for sale the said eggs, nor shall have the same in his possession for any purpose. And every railroad company and every express company, and all employees and agents of the same, shall be deemed persons within the meaning of this section, and any person or persons offending against any provision of this section, shall be punished by a fine of not less than five nor more than fifty dollars, and by the forfeiture of all eggs in his or their possession, together with the costs of prosecution.

Penalty for destroying nests or having in possession the eggs of certain fowls.

SEC. 7. No person shall at any time catch or kill any woodcock, white-breasted or sharp tailed grouse or prairie chicken, quail, partridge, ruffed grouse or pheasant, in any other manner than by shooting them with a gun, and no person shall at any time set, lay or prepare any trap, snare, net, or other devices, with intent to catch or kill any of the birds aforesaid. And any person or persons offending against any provisions of this section, shall be punished by a fine of not less than five nor more than fifty dollars, and by the forfeiture of any and all the game-birds above named in his or their possession, and by the forfeiture of any trap, snare, net, or other device or implement used in the commission of the offense, together with the costs of the prosecution, and any trap, snare, net or other device forfeited under this provision, shall be destroyed by the sheriff, or other officer enforcing the judgment of the court in the case.

Manner of killing game, penalty for violation.

SEC. 8. No person shall kill, cage or trap any whippoorwill, night-hawk, blue bird, finch, thrush, lark, linnet,

Penalty for killing or trapping any bird, exceptions.

sparrow, wren, martin, swallow, bobolink, robin, turtle-dove, cat-bird, or any other harmless bird not elsewhere mentioned in this chapter, excepting aquatic fowls of every kind, blackbirds and wild pigeons. Any person or persons offending against any of the provisions of this section, shall be punished by a fine of not less than five nor more than fifty dollars, or by the forfeiture of any gun or guns, cage, trap, net, or any other device, and all sporting implements in his or their possession, together with the costs of the prosecution, or both, in the discretion of the court.

Manner of killing or catching fish, penalty for violation.

SEC. 9. No person shall at any time take, catch, or kill, any speckled, river or brook trout in any other manner than by angling for them with a hook and line. No person shall at any time take, catch, or kill any fish of any kind, except white fish, from any of the waters in the state of Minnesota, excepting Lake Superior, the Mississippi, Minnesota, St. Croix and Zumbro rivers, in any other manner than by shooting them with a gun, or by using a spear, or by angling for them with a hook and line. And no person shall at any time put into any waters within the state of Minnesota any fish berries, or any deleterious substance whatever, with intent to kill or take fish. And any person or persons offending against any of the provisions of this section, shall be punished by a fine of not less than five nor more than fifty dollars, or by the forfeiture of all fish in his or their possession, and by the forfeiture of any device, or implement, or substance, used in the commission of the offense, together with the costs of the prosecution, or both, in the discretion of the court.

What to be deemed evidence of violation.

SEC. 10. The possession of any elk, deer, buck, doe, fawn, or piece of green skin thereof between the fifteenth day of December and the first day of October in any year, or of any woodcock before the fourth day of July or after the first day of November in any year, or of any white breasted or sharp tailed grouse, or prairie chicken before the fifteenth day of August or after the first day of November in any year or of any quail or partridge before the first day of September or after the first day of November, or ruffed grouse or pheasant before the first day of September or after the first day of December in any year, shall be deemed to be and shall receive as evidence that said elk, deer, buck, doe, fawn, or bird was killed at a time when such killing is prohibited by the

provisions of this chapter and that the intent of the person so having the same in his possession is to sell or transport the same contrary to the provisions of this act, or for other unlawful purpose by this act forbidden.

SEC. 11. No person shall at any time enter into any growing or standing grain not his own with sporting implements about his person nor permit his dog or dogs to enter into any such grain without the permission of the owner or occupant thereof, and any person who shall enter upon the premises of another with gun, dogs or any sporting implement upon his person, without permission of owner or occupant thereof from or after the first day of December of any year, to or before the fifteenth day of August following with intent to kill, hunt or pursue any animal or game-bird the killing of which is forbidden by this act, at any time, (except woodcock, during the period it is lawful to kill the same,) shall be liable to a fine of ten dollars for such offense to be recovered by action before any justice of the peace of the county where the offense was committed by the owner or occupant of said premises. But nothing in this section contained shall be construed to limit or in anywise to effect the remedy of the owner of any such grain or premises or of the person injured at common law for trespass. Penalty for trespass.

SEC. 12. All prosecutions under the provisions of this chapter, shall be commenced within one month from the time when such offense was committed. And the same shall be by complaint before any justice of the peace of any county or before any police justice or city justice of any city in any county, in which the offense was committed; and all fines imposed and collected under the provisions of this chapter, and the proceeds of the sale of all property seized and forfeited under the provisions of this chapter, shall be paid one half including costs, to the complainant, and the balance or remainder into the treasury of the county where the conviction takes place, for the use of the common schools of said county; and any justice of the peace, police justice or city justice, is hereby authorized and required upon receiving satisfactory proof by affidavit of the violation by any person or persons of any of the provisions of this chapter, to issue his warrant authorizing and commanding the sheriff, constable, or other officer, to arrest such offender or offenders and to bring him or them be- Prosecution, when commenced, fines how paid. Power of justice.

fore him without delay, and to seize and take possession of all game and fish, guns and sporting implements, dogs, fishing tackle, nets and other property, declared forfeited in connection with the particular offense charged by the provisions of this chapter, and to make immediate return of all property so seized; *Provided*, That when any gun, dog, fishing tackle, sporting implements or other articles or material, shall be seized by any officer as forfeited, or to the end that the same may be declared forfeited by, under, or pursuant to any of the provisions of this chapter, the court or jury shall, when the defendant is tried by or before any [justice of the peace, police or city justice,] or other court of limited jurisdiction, find and return specially the value of such gun, dog, or other articles or materials so seized, and said finding shall be entered upon the docket or minutes of said court, and to this end witnesses may be examined and proof taken as in other cases, where the value of personal property is in controversy, but no pleadings shall be required in connection therewith, the value of any gun or guns, dog or dogs, fishing tackle, sporting implements or other articles or material belonging to any one person arrested as herein provided for, which, singly or together, may be declared forfeited by any justice of the peace, police or city justice, or other court of limited jurisdiction, under or pursuant to any of the provisions of this chapter, shall not, together with, or added to, the fine inflicted, exceed [exceed] in value the sum of one hundred dollars, and any article, material or property seized and not forfeited under the provisions of this chapter, shall be returned to the owner of the same, or to the person or premises from whom or which they shall have been taken; *Provided further*, That no gun, dog, sporting implements, fishing tackle or other articles shall be forfeited under the provisions of sections one, two, three, seven, eight and nine, of this chapter, unless it shall be shown and proved upon the trial that the same were used or employed by the defendant for, or in connection with, the commission of the offenses charge [charged,] but the possession or control by the defendant, at the time of his arrest, of any gun, dog, sporting implements, fishing tackle or other article named in said section as forfeited, shall be taken and received in all the courts of this state as *prima facie* evidence that the same were used or employed by the defendant for, or in connection with, the commission of the offenses

Disposition of
firearms and fish-
ing tackle for-
feited.

proved under or pursuant to the section or sections of this chapter, providing for the seizure and forfeiture of guns, dogs, sporting implements, fishing tackle or other articles enumerated as forfeited, and which shall have been seized and produced in court.

SEC. 13. Any justice of the peace, police justice or city justice is hereby authorized and required upon proof by affidavit of probable cause to believe that any person or persons within his jurisdiction has or have concealed any fish, game, [bird] or animal, or wild fowl mentioned in this chapter during any of the prohibited periods, or obtained or possessed in any manner prohibited by this chapter, to issue his search warrant, and cause search to be made in any house, market, boat, car or other building, or premises, or any vehicle, and the sheriff, constable or other officer, shall execute said warrant as in other cases provided. In case the sheriff, constable or other officer executing such search warrant shall find any fish, game-birds or animals or wild fowl, he shall arrest the person or persons complained against and so having the same in his or their possession, or under his or their control, and shall also seize and take possession of all such fish, game-birds or animals, or wild fowl, and make immediate return of his proceedings to the justice by bringing before him the person or persons arrested, and the property seized as herein before directed. If it shall appear by the return of the officer of the property seized by him that the property so in his hands exceeds the value of one hundred dollars, or if the same appears by affidavit of the complainant or of the defendant to be of the value of more than one hundred dollars, the justice shall immediately make an entry thereof in his docket or upon his minutes, shall hold the offender to bail in a sum not less than one hundred dollars to appear at the next term of the district court of the county, or shall commit him to the jail of said county in default of bail. Said justice shall then cease all other proceedings in the case, and shall certify and return to the district court of the county a transcript of all the entries made in his docket relating to the case, together with all process and other papers relating to the cause in the same manner, and within the same time as upon an appeal, and thereupon the district court shall have jurisdiction in the cause and shall proceed in the same to final judgment and infliction of the punishment by fine and commitment for non-pay-

Duty of justice of the peace, &c., upon complaint of concealment of game during term of prohibition.

Justice of the peace to make return to district court.

ment thereof and forfeiture the same as if the prosecution could have been and had been commenced therein.

Sporting implements, &c., to be advertised for sale.

SEC. 14. That any dog or dogs, gun or guns, sporting implements, game birds or fish, or other property, articles or material, which may be adjudged forfeited by any court of this state, under any provisions of this act, shall, where or in such cases as this act makes no provisions for any other or different manner of disposing of the same, on conviction or judgment of forfeiture, be advertised and sold by the sheriff, constable, or other officers whose duty it is to enforce the judgment of the court in the case, and such officer shall pay the proceeds of such sale, less his lawful fees, into court. Notice of sale and other proceedings thereon, and the officer's fees, shall be the same as in case of sale of personal property on execution. In case of the seizure of any game-birds, fish, venison, or other material of a perishable nature, the court, upon being satisfied from the return of the officer seizing the same, or having it in possession, or from other satisfactory evidence, that the same would spoil, become injured or unwholesome for food if kept during the pending of the prosecution, or until final judgment, may order such officer to sell the same at public sale, and may prescribe the manner and time of giving notice of such sale and the manner of conducting the same. In case there be no purchaser found at such sale for whatever there may be offered for sale thereat, the officer conducting the sale shall distribute such game-birds, fish, venison or other things so offered, and for which there shall be no purchaser, to the poor-houses, alms houses, jails, hospitals, or other charitable or public institutions in the county, or county adjoining, where the prosecution may be pending, or shall destroy the same as the court in its discretion may order. *Provided*, That any game-birds, fish, venison, or other animal or thing, purchased at the public sale provided for by this section, may be held, used or otherwise disposed of, without incurring any of the penalties of this act.

Disposition of game seized.

County attorney to commence action, when.

SEC. 15. Whenever complaint is made, or information given to any county attorney of any county, in cases in which the defendant shall not be arrested under any provision of this act, that any person or persons, or corporation has in his or their or its possession any of the game-birds, or animals, or any fish, mentioned in this chapter, with the intent to sell, dispose of, or to trans-

port the same, contrary to any of the provisions of this chapter, and which are liable to forfeiture by any of the provisions of this chapter, and when the value of such animals, birds, or fish, shall in the aggregate exceed the sum of one hundred dollars, then and in such case the said county attorney is hereby required and authorized to commence an action for the purpose of selling such animals, birds and fish, forfeited as hereinafter provided, and which said action shall be commenced in the district court of the county wherein said animals, birds and fish shall be found.

SEC. 16. Said action shall be commenced in the name of the state of Minnesota, as plaintiff, and of the person or corporation in whose possession said animals, birds or fish may be found, as defendant. *Provided*, That if during the pending of such action any other person should intervene or claim such animals, birds or fish, then and in that case such person so intervening shall be joined in said action, as a party dependent thereto, and the same proceedings shall be had as to them as if they or he had been the original defendant in said action; and said action, except as herein provided, shall be continued in all respects as other civil actions are, and all general laws applicable to civil actions shall be applicable to the action herein provided for, except so far as the same may be inconsistent with the provisions of this chapter.

Parties plaintiff
and defendant.

SEC. 17. Upon the filing of the complaint in such action, and upon application of the county attorney, the judge or court commissioner of the district court wherein such action is brought, shall cause a warrant of seizure to issue to the sheriff of said county, commanding him to seize and take into his possession all of such animals, birds or fish mentioned in the complaint, and sell the same according to the provisions of section fourteen of this chapter, or in default of purchasers to dispose of the same as in said section provided.

Warrant of seizure
may issue.

SEC. 18. Said money when so paid into said county shall remain there and to abide the final judgment of the court in such action, and if it shall be found, upon the trial of said cause that the possessor of said animals, birds or fish by the defendant was unlawful and contrary to the provisions of this chapter, judgment shall be entered against said defendant for the forfeiture of said animals, birds and fish, and the proceeds thereof, together with the cost of such action, and the proceeds of said sale

Disposition of
proceeds of sale.

shall be disposed of as specified in section twelve of this chapter. *Provided*, That in case no person should appear in said action and there should be a judgment rendered by default, then no personal judgment shall be rendered against any defendant, and no costs shall be entered in said judgment for the state.

Costs and disbursements against county, when.

SEC. 19. If it should appear upon the trial of any such action that the possessor of the animals, birds or fish by the defendant was lawful and not contrary to the provisions of this chapter, the money arising from said sale shall be decided to be paid forthwith to the defendant and he shall have judgment against the county wherein such action was commenced for his costs and disbursements therein.

Appeals upon issue of facts.

SEC. 20. The judgment, findings, rulings or other proceedings of any officer or court, on the trial of any action or case arising under this act, shall not be overruled, examined, reversed or in any manner interfered with except by and upon an appeal on issues of facts and pending such appeal, any property seized or adjudged as forfeited shall be and remain in the hands, and under the control, of the sheriff or other officer charged therewith at the time the appeal shall be taken; *Provided*, That if such property be of a perishable nature it shall be disposed of as hereinbefore provided; notice of the allowance of such appeals, duly certified by the justice or court from which the appeal is taken, together with any order of such justice or court touching the disposition to be made of the forfeited property or effects in the hands of the sheriff or other officers charged therewith, shall be served upon such sheriff or officer, or if not so served the same may be disregarded.

Duty of county supervisors and constables.

SEC. 21. It is the duty of supervisors and constables of towns, police officers of cities, having knowledge of the violation of any of the provisions of this chapter, to make complaint thereof to any justice of the peace of the proper county, or police justice of the city, and any other person having such knowledge may make complaint before such justice, and the said justice shall issue his warrant for the arrest of the offender, and proceed to have and determine the matter in issue in the same manner as provided in other cases; and every person convicted under any of the provisions of this chapter, in case where no forfeiture is declared and enforced, shall stand committed until such fine is paid, provided that such imprisonment shall not exceed three months.

SEC. 22. This act shall take effect and be in force When act to take effect.
from and after its passage.

Approved March 9, 1874.

CHAPTER XXXIX.

AN ACT TO AMEND SECTION FOURTEEN OF CHAPTER THIRTY-THREE OF THE GENERAL LAWS OF EIGHTEEN HUNDRED AND SEVENTY-ONE, RELATING TO THE PRESERVATION OF GAME.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That section fourteen of chapter thirty-three of the general laws of the year eighteen hundred and seventy-one relating to the preservation of game, be so amended as to read as follows :

Sec. 14. This act shall take effect and be in force from and after its passage.

SEC. 2. This act shall take effect and be in force from When act to take effect.
and after its passage.

Approved February 7, 1874.

CHAPTER XL.

AN ACT TO AMEND SECTION NINE OF CHAPTER THIRTY-THREE OF THE SESSION LAWS OF EIGHTEEN HUNDRED AND SEVENTY-ONE, RELATING TO THE PRESERVATION OF GAME.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That section nine of chapter thirty-three of the session laws of eighteen hundred and seventy-one is hereby amended so as to read as follows :

Penalty for
catching trout—
time when.

Sec. 9. Whoever catches or has in his possession or exposes for sale, within the state of Minnesota, any speckled, river or brook trout, before the first day of April, or after the first day of October in any year; or takes, catches or kills at any time any of said trout, save with a hook and line, or takes, catches or kills, at any time, any fish of any kind from any of the waters of this state, excepting Lake Superior, the Mississippi, Minnesota and St. Croix rivers, in any other manner other than by shooting them with a gun, or by the use of a spear, or hook and line, shall suffer a fine of five dollars for each and every fish so caught, taken, had in possession or exposed for sale; and whoever shall, at any time, put into any waters within the state of Minnesota any deleterious substance, with intent to kill or take fish, shall, upon conviction thereof, suffer a fine of twenty-five dollars for each and every such offense, together with the costs of prosecution.

When act to take
effect

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 3, 1874.

CHAPTER XLI.

AN ACT TO AMEND THE GENERAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE, ENTITLED AN ACT FOR THE PRESERVATION OF GAME.

Be it enacted by the Legislature of the State of Minnesota:

Additional
streams listed.

SECTION 1. Section nine of chapter thirty-three of the general laws of eighteen hundred and seventy-one, amended by chapter ninety-two of the general laws of eighteen hundred and seventy-two, be and the same is hereby amended by inserting the words Zumbro and Little Iowa after the word "Root," and before the word "River," in the tenth line of said section.

When act to take
effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER XLII.

AN ACT TO PREVENT THE DESTRUCTION OF FISH, DURING
CERTAIN MONTHS, IN THE COUNTY OF WATONWAN.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That section two of chapter twenty-four of the general laws of the year one thousand eight hundred and seventy-three be amended so as to read as follows :

Sec. 2. It shall be unlawful at any time during the months of March and April to use net in fishing in any of the waters aforesaid, their inlets or outlets ; *Provided*, That nets with meshes not less than two inches square, may be used at any time except the said months of March and April. Increase in size of meshes.

Sec. 2. This act shall take effect and be in force from and after its passage. When act to take effect.

Approved February 17, 1874.

CHAPTER XLIII.

TO PREVENT THE DESTRUCTION OF FISH FROM THE WA-
TERS WITHIN THE BOUNDARIES OF RICE, SCOTT AND
DAKOTA COUNTIES.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. It shall be unlawful for any person to catch, kill, destroy or in any manner except by hook and line or spear, to take any fish known by the name pike, pickerel and bass, from any lake, pond or marsh, or any inlet or outlet thereof, or other waters situated and being within the boundaries of the counties of Rice, Scott and Dakota, from the fifteenth day of November to Time and manner of catching fish.

the first day of April in any year after the passage of this act.

Penalty for violation.

SEC. 2. Any person or persons violating the provisions of the preceding section shall be guilty of a misdemeanor, and upon conviction thereof suffer and pay a fine of five dollars for each and every fish so caught, killed, destroyed or taken, together with the costs of prosecution.

Prosecutions when to commence.

SEC. 3. All prosecutions under the provisions of this act shall be commenced within one month from the time when the offense was committed, in the same manner provided in section ten of chapter thirty-three of the general laws of the state of Minnesota for the year A. D. one thousand eight hundred and seventy-one.

Duty of supervisors and constables of towns.

SEC. 4. It is hereby made the duty of supervisors and constables of towns and all others residing or being within said counties, having knowledge of the violation of any of the provisions of this act, to make complaint thereof to any justice of the peace within the counties aforesaid, and such justice shall upon such complaint being made, issue his warrant for the arrest of the offender, and shall, upon the arrest of such offender and the return of such warrant proceed to hear and determine the matter in issue in the same manner as in other cases, and every person convicted of the violation of the provisions of this act, shall stand committed until such fine is paid. *Provided*, That such imprisonment shall not exceed one month.

When act to take effect.

SEC. 5. This act shall be deemed to be a general act and shall take effect and be in force from and after its passage.

Approved March 2d, 1874.

CHAPTER XLIV.

AN ACT TO MAKE IT LAWFUL TO CATCH FISH WITH NETS
IN CERTAIN LAKES IN KANDIYOHI COUNTY.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That it shall be lawful for any person, at

all times, to catch fish with nets in which the meshes are not less than one and one-half inches across, in Trout [Foot] Lake, Engle Lake and Grass Lake, in the county of Kandiyohi.

Designating how fish may be caught.

SEC. 2. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

Repeal of inconsistent acts.

SEC. 3. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved March 5, 1874.

CHAPTER XLV.

AN ACT TO PROHIBIT THE USE OF THE BALL AND CHAIN, AND THE PUNISHMENT OF CRIMINALS IN PUBLIC.

Be it enacted by the Legislature of the State of Minnesota:

SECTION. 1. That it shall be unlawful for the authorities of any city, village, town, or other municipal corporation, or other person, to require any person, as a punishment for crime, or the violation of any ordinance or municipal regulation, to labor upon the streets, parks, or other public works with ball and chain attached; or to cause or require any such person as a punishment for crime, to be held, tied or bound in public. *Provided,* That this act shall not be so construed as to prevent any person under arrest being tied or bound for the purpose of taking such person to or to and from any jail, prison or other place used for holding in custody persons under arrest.

Prohibits the use of the ball and chain as a punishment for crime.

SEC. 2. All acts or parts of acts inconsistent with this act are hereby repealed.

Repeal of inconsistent acts.

SEC. 3. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved February 24, 1874.

CHAPTER XLVI.

AN ACT TO SECURE LIBERTY OF CONSCIENCE AND EQUAL RIGHTS IN MATTERS OF RELIGION TO THE INMATES OF STATE INSTITUTIONS.

Be it enacted by the Legislature of the State of Minnesota:

Guarantees free exercise of spiritual ministrations and religious belief.

SECTION 1. That all persons committed to any state prison or reform school or other place of confinement in said state, shall be allowed spiritual advice and spiritual ministration from any recognized clergyman of the denomination or church to which such persons so committed or received may respectively belong, and have belonged prior to their being so committed or received into such state prison or reform school, or other place of confinement, such advice and ministration to be given within the prison or reform school or other building where the inmates thereof are required by law to be confined or imprisoned in such manner as will secure to such persons the free exercise of his religious belief; and such religious consolation, advice and ministration shall be allowed separate and apart, and out of the presence and hearing of any person other than the clergyman who is ministering to such inmates. Such clergyman shall have the right, at the times fixed as hereinafter provided, and in all cases of serious sickness without regard to time, to visit either of said institutions and to see and communicate freely and untrammelled, with such of said inmates as belong to the church or society of which he is a clergyman.

Duty of officers in charge of penal institutions.

SEC. 2. It shall be the duty of the board of managers, or persons or officers having the control and management of said institutions, to set apart not less than one hour (and more if necessary) on the first day of each week, in which any of the clergymen in good standing of any church or denomination may freely minister to and impart moral and religious instruction to those of the said inmates or children who respectively belong thereto prior to their being so committed or received therein, and to afford and grant to such clergyman such reasona-

ble and proper facilities as may be necessary to enable them to freely and properly discharge their duties as ministers and spiritual advisers to the said inmates; and to provide and furnish to such clergymen on such occasions a room or apartment whereby he may be enabled to freely and properly discharge his duties as such clergyman; *Provided*, That the religious denomination to which the parents of any child or minor so committed or received into either of said institutions belonged or was a member, shall be considered the denomination to which such child or minor belongs, provided all such religious ministrations shall be given between the hours of nine o'clock in the forenoon and five o'clock in the afternoon, except in special cases, such as sickness when such ministrations may be given at any hour, and that the board of officers in charge of such institutions shall designate to each denomination which of the hour or hours so designated when a clergyman of of such denomination shall commence and impart such ministration and instruction and the time they shall occupy, which time shall be in accordance with the rules of such denominations, giving to each denomination an equal amount of time, without partiality or unjust discrimination whatever.

Denominations
designated.

SEC. 3. All sectarian practices, except by said clergyman as aforesaid, are hereby prohibited, and no officer of any state institution, or other person, shall interfere with or attempt to influence, control or change the religious belief or opinions of any of said inmates; nor shall any of said inmates be required to attend any religious services or devotions in any of said institutions against their own free will, if they have attained their majority and if minors shall not be so required contrary to the expressed directions of the parent or guardian or clergyman having spiritual charge of said inmates respectively, and in all matters appertaining to religion the rights of conscience and the free exercise thereof shall be scrupulously respected and guarded, provided that nothing herein contained shall be construed to prohibit or limit such freedom of speech among the employees or inmates of said institutions as is permitted by the rules and regulations thereof not in conflict with the spirit of this act.

Sectarian prac-
tices prohibited
—exceptions.

SEC. 4. All acts or parts of acts inconsistent with this act, are hereby repealed.

Repeal of inco-
sistent acts.

SEC. 5. This act shall take effect and be in force from and after its passage.

When act to take
effect.

Approved March 5, A. D. 1874.

CHAPTER XLVII.

A BILL TO AMEND SECTION NINETEEN AND TWENTY-ONE OF CHAPTER ONE HUNDRED OF THE GENERAL STATUTES RELATING TO SABBATH KEEPING OR SABBATH BREAKING.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Section nineteen of chapter one hundred general statutes, is hereby amended by adding the following words:

Relating to sabbath keeping.

Provided, This section shall not apply to any person who religiously observes the seventh day of the week, commonly called Saturday, as the Sabbath, so far as relates to his work or business avocations.

When act to take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER XLVIII.

AN ACT TO PUNISH GAMBLERS UPON CARS AND STEAM-BOATS.

Be it enacted by the Legislature of the State of Minnesota:

Prohibits gambling, penalty for violation.

SECTION 1. Every violation of any statute of this state prohibiting gambling, is hereby declared to be, and made a misdemeanor, and shall be punished by fine not exceeding one hundred dollars and not less than ten dollars, or by imprisonment in the county jail not exceeding three months and not less than six days, or both, in the discretion of the court.

Duty of conductors of railroad trains.

SEC. 2. It shall be lawful for any conductor of any railroad train running in this state, to eject from any car

or portion of such train, any person who shall engage in the game with cards known as "three card monte," or in any manner on such train violate any of the laws of this state prohibiting gambling of any kind.

SEC. 3. It shall be lawful for any conductor of any railroad train, or the captain or mate of any steamboat (and they are hereby made and declared to be special policemen for the purpose) to arrest any person found upon their respective trains or steamboats, violating any of the aforesaid laws prohibiting gambling, and to take such persons so arrested to the nearest town in the same or an adjoining county, and bring him before a justice of the peace, if he has jurisdiction, and if not to deliver such person so arrested to the sheriff or constable or other proper officer. Such conductor, captain or clerk, upon delivering up such person so arrested to said justice of the peace, or sheriff or other officer, shall make complaint in writing, on oath, setting forth the facts constituting the offense, and the time and place when the same was committed, and deliver such complaint with the person so arrested, to such justice of the peace, or sheriff or other police officer; and in case the place where such person is brought to is not within the proper county, then and in that case said complaint is all that is required to authorize said officer or other person to take said person so arrested to and within the county within which he should be tried for said offense. The person so arrested shall be tried as in other cases of misdemeanor; but such conductor shall be allowed a reasonable time, not to exceed forty-eight hours, within which to appear and give evidence against such person so arrested and charged with said offense, and he may be required to enter into recognizance in a sum not exceeding one hundred dollars to appear and give such evidence, should he desire a continuance.

Railroad conductors and steamboat captains declared special policemen—power of,

To make complaint.

Officers to appear and testify.

SEC. 4. This act shall take effect and be in force from and after its passage.

When not to take effect.

Approved March 9, 1874.

CHAPTER XLIX.

AN ACT FOR THE PROTECTION OF PROPERTY AGAINST ARSON.

Be it enacted by the Legislature of the State of Minnesota:

Who deemed
guilty of arson.

SECTION 1. Whoever, within twenty-four hours prior or during the burning of a building or other property, wilfully and maliciously cuts or removes any bell rope or telegraph wire in the vicinity of such building or property, or otherwise prevents an alarm being given, or cuts, injures or destroys an engine or hose, or other fire apparatus, in said vicinity, or otherwise wilfully and maliciously prevents or obstructs the extinguishing of any fire, shall be deemed guilty of the burning as accessory after the fact, and be punished by imprisonment in the state prison not exceeding seven years, or in jail not exceeding three years, or by fine not exceeding one thousand dollars.

Penalty for steal-
ing in conse-
quence of fire.

SEC. 2. Whoever steals in a building that is on fire, or steals any property removed in consequence of an alarm caused by a fire, shall be punished, if the value of the property exceeds the sum of one hundred dollars, by imprisonment in the state prison not exceeding five years, or fine not exceeding five hundred dollars; where the value of such property is one hundred dollars or less, by imprisonment in the county jail not exceeding two years, or by fine not exceeding two hundred dollars.

Investigation to
be had in case of
supposed inces-
dianism.

SEC. 3. When property is destroyed by fire, and a complaint within thirty days thereafter is subscribed and sworn to by any person before any justice, [police] court, or any municipal court, or any justice of the peace, alleging that reasonable grounds exist for believing that the fire was caused by design, and the mayor and chief engineer of fire department, or a majority of the aldermen or selectmen of the city or town, respectively, in which said property is situated, certify in writing that in their opinion the same is a proper case for investigation, such court or justice shall forthwith issue a warrant to the constable of the place where the property was destroyed,

requiring him forthwith to summon six good and lawful men of the county to appear before the court or justice at a time and place expressed in the warrant, to inquire when and by what means the fire originated, which warrant shall be served and returned in the manner prescribed by the general statutes of the state of Minnesota for the service and return of other warrants; and the constable and jurors shall be subject to the penalties therein specified for similar neglect. If any person so summoned does not appear, the constable shall, by order of the justice or court, return some person from the bystanders to complete the number.

SEC. 4. The justice or court shall, in view of the spot on which the property was destroyed, administer to the persons thus summoned or returned the following oath: You solemnly swear that you will diligently inquire and true presentment make in behalf of the state of Minnesota, when and by what means the fire which has here occurred was caused, and that you will return a true inquest according to your knowledge and such evidence as shall be laid before you. So help you God.

Oath to be administered to jury.

SEC. 5. The justice or court may issue subpoenas for witnesses, returnable forthwith at a time and place therein set forth. Their attendance may be enforced in like manner as if they had been subpoenaed in behalf of the state of Minnesota.

May issue subpoenas.

SEC. 6. An oath to the following effect shall be administered to such witnesses: You solemnly swear that the evidence which you shall give to the inquest concerning the origin of the fire of which inquiry is now to be made, shall be the truth, the whole truth, and nothing but the truth. So help you God.

Oath to be administered to witness.

SEC. 7. The testimony shall be reduced to writing by the presiding justice, or some person, by his direction, and subscribed by the witnesses.

Relative to testimony.

SEC. 8. The jury, after hearing the testimony and making all needful inquiry, shall draw up and deliver to the justice or court their inquisition under their hands, in which they shall find and certify when and by what means the fire was caused, and said inquisition and testimony thus subscribed shall, within one week thereafter, be filed by the magistrate with the clerk of the district court for the county.

To file certificate showing cause of fire.

SEC. 9. If any person is charged by the inquest with having wilfully and maliciously caused said fire, and such

When justice to cause arrest. person is not in custody, the justice or court before whom such inquisition is holden shall issue process forthwith for his apprehension, and such warrant shall be made returnable before [any] justice or court having jurisdiction of the case, who shall proceed therein in the same manner as required by justice or court in case of felony.

Fees.

SEC. 10. The fees of the magistrate and the expense of the inquisition shall be the same as required for corner's inquests.

When act to take effect.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER L.

AN ACT FOR THE PROTECTION OF SUB-CONTRACTORS AND MATERIAL MEN.

Be it enacted by the Legislature of the State of Minnesota:

Liabilities of contractors to sub-contractors.

SECTION 1. Any person or persons entering into any contract for the construction or repairing of any house or other building, steamboat or vessel, or any railroad contract, or for furnishing materials for such construction or repairing, and who shall sub let such contract or any part thereof to any person or persons to perform such labor or furnishing such material, shall be held liable to pay all moneys received by him upon said contract to the person or persons who performed such work and labor, or furnished such materials, or so much thereof as may be sufficient to pay them what is justly due for the work and labor performed and materials furnished by them, and any such person who shall neglect and refuse to pay over such money so received by him upon said contract to the person or persons who have performed the work and labor and furnished the materials as aforesaid, with intent to cheat and defraud the said person or persons, shall be deemed to have been guilty of fraud in contracting the said debt. And whenever it shall be made to appear to any court of competent jurisdiction that such

contractor, having received the money upon his said contract, and that he fraudulently and with the intent to cheat and defraud the said person or persons who performed the work and labor or furnished the materials as aforesaid, withholds from or refuses to pay them the money which he has received as aforesaid, may be arrested and held to bail for the payment of the amount so due as aforesaid; and in case such party shall not furnish the bail required, he shall be committed to the jail of the county, there to be held until the trial of the action to recover such money; and in case judgment shall be rendered against such party, the execution issued thereon shall authorize and empower the sheriff to commit the defendant in such execution to the jail of the proper county until such judgment shall be paid or until discharged by law.

Penalty for refusing to pay sub-contractor.

Approved March 9, 1874.

CHAPTER LI.

AN ACT TO AMEND SECTION TWO OF CHAPTER TWENTY-ONE OF THE GENERAL LAWS FOR THE YEAR EIGHTEEN HUNDRED AND SEVENTY-THREE, RELATING TO THE PROTECTION OF SHEEP.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section two of chapter twenty-one of the session laws for the year eighteen hundred and seventy-three, be amended so as to read as follows:

SEC. 2. Any person keeping or harboring a dog or dogs that has bitten or worried any sheep or lambs, and having been notified of such fact, shall be liable to pay a fine of five dollars per day for every day thereafter that he shall keep, harbor or permit such dog or dogs to remain in or about his premises. Such fine when collected shall be paid over to the county treasurer of the county for the benefit of the common school fund of the county.

Penalty for keeping dog that kills sheep.

When act to take
effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER LII.

AN ACT CONCERNING INN AND HOTEL KEEPERS AND LANDLORDS, AND FOR THE PROTECTION OF THEIR GUEST.

Be it enacted by the Legislature of the State of Minnesota:

Pertaining to
money, jewelry,
&c., of guests.

SECTION 1. That hereafter every landlord or keeper of a public inn or hotel, or boarding house keeper in this state, who shall constantly have in his inn or hotel an iron safe in good and suitable order for the safe custody of money, jewelry or other valuable articles belonging to his guests or customers, shall keep posted conspicuously at the office, also on the inside of every entrance door of every public sleeping, reading, bar, sitting and parlor room of such hotel, &c., notice to the guests and customers that they must leave their money, jewelry, and other valuables with the landlord his agent or clerk for safe keeping, and he or they may make safe deposits of the same in the place provided for that purpose. Every landlord or keeper of a public inn or hotel shall provide locks and bolts for all room doors.

When landlord
not liable for
loss of property.

SEC. 2. That such landlord, hotel or inn keeper as shall comply with the requirements of the first section of this act, shall not be liable for any money, jewelry or other valuables of gold, silver or rare and precious stones that may be lost, if the same is not delivered to said landlord, hotel or inn keeper, his agent or clerk for deposit, unless such loss shall occur by the hand or through the negligence of the landlord or by a clerk or a servant employed by him in such hotel, inn, &c. *Provided* however, that nothing herein contained shall apply to, such amount of money and valuables as a prudent person would retain in his room or about his person for present use.

SEC. 3. Any person who shall put up at any hotel,

inn or boarding house and shall procure any food, entertainment or accommodation without paying therefor except their credit is given by express agreement, with intent to cheat or defraud the owner or keeper of such hotel, etc., out of pay for the same or if any person shall obtain credit at any hotel, inn, &c., for food, entertainment or accommodation by means of any false show of baggage or effects brought thereto, or who shall with such intent remove or cause to be removed any baggage or effects from any hotel, inn or boarding house while there is a lien existing thereon for the proper charges due from him for board and entertainment furnished as aforesaid.

SEC. 4. Every landlord or keeper of a public hotel or inn shall be liable for embezzlement for not promptly returning money and valuables deposited in his safe. What considered embezzlement.

SEC. 5. All goods or property taken by any hotel, inn or boarding house keeper, and by him held for non-payment of any bill for board, lodging or accommodation, may be sold after the expiration of ninety days and default being made in the payment of such bill upon a notice of ten days at public auction upon notice as in cases of of constable's sales. When goods deemed to be forfeited.

SEC. 6. This act shall take effect be in force from and after its passage. When act to take effect.

Approved March 5, 1874.

CHAPTER LIII.

AN ACT TO AMEND CHAPTER THIRTY-FOUR OF THE GENERAL LAWS OF EIGHTEEN HUNDRED AND SEVENTY, AMENDING SECTION TWENTY-NINE OF CHAPTER NINETEEN OF THE GENERAL STATUTES, AND TO AMEND SECTION THIRTY-EIGHT OF TITLE THREE, OF CHAPTER NINETEEN OF THE GENERAL STATUTES RELATING TO DISTRAINING BEASTS DOING DAMAGE.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section twenty-nine of title three, of

chapter nineteen of the general statutes, amended by chapter thirty-four of the general laws of eighteen hundred and seventy be amended so as to read as follows:

Distraining
beasts—who to
appraise dam-
ages.

Compensation of
appraisers.

Sec. 29. The owner or occupant of lands may distrain all beasts doing damage upon his lands, and when any such distress is made, the distrainer shall keep such beasts in some secure place other than the public pound until his damages are appraised. And within twenty-four hours after such distress, unless the same is made on Sunday, in which case before the Tuesday morning thereafter, he shall apply to a justice of the peace of the town, who shall appoint three disinterested inhabitants of such town to appraise the damages; such appraisers shall receive as compensation for their services one dollar per day for every day actually consumed in making the appraisal, and six cents per mile as mileage in going to and returning from the place where the damages are done, to be paid in the first instance by the distrainer, distance traveled and time spent to be certified to and made a part of the returns of said appraisers.

Sec. 2. To amend section thirty-eight of title three of chapter nineteen of the general statutes so as to read as follows:

Liable to action,
when.

Sec. 38. In case the owner or occupant of lands shall not distrain the beasts doing damage as provided herein, the owner of such beasts shall be liable in an action at law for all damages done by such beasts without regard to the sufficiency of the fences on the lands on which damage is done. *Provided, however,* That in all cases arising under the provisions of this act, or the statutes to which this act is amendatory, in towns where a majority of the voters at any town or special town meeting called for the purpose shall determine by by-law of such town that horses, cattle, mules and asses shall be permitted to run at large, in accordance with subdivision sixth, section fifteen, general statutes of eighteen hundred and sixty-six. No damage shall be recovered by the owner of any lands for damage committed thereon by any such beasts during the day time, until it shall first be proved that said lands were enclosed by a lawful fence; and every three rail fence, four feet high, constructed of such materials and in such manner as to constitute a good and sufficient fence as against cattle, horses, asses and mules, one or more years old, that are not breachy, or any fence equal thereto in sufficiency, shall,

What is a legal
fence.

for the purpose of this act be deemed a lawful fence, but the word "cattle," as used in the act, shall not be so construed as to include either sheep or swine, or any other domestic animal not exceeding the size of sheep or swine; *Provided, further*, That the foregoing proviso shall not apply to or be in force in the counties of Wabasha, Dodge, Steele, Lac qui Parle, Martin, Yellow Medicine, Lyon, the Seventh Senatorial District (Winona county), and Goodhue county. *Provided*, That the provisions of this act shall not apply to the thirtieth, thirty-first, thirty-second, thirty-fifth, thirty-ninth, except Stevens county, fortieth, forty-first, twenty-eighth, twenty-ninth, thirty-sixth and twenty-seventh districts.

District not applicable.

[SEC. 3. This act shall take effect and be in force from and after its passage.]

When act to take effect.

Approved March 9, 1874.

CHAPTER LIV.

AN ACT RELATING TO ESTRAY.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. No person shall take up any estray except horses and mules, unless such person shall be at the time a resident of the same town wherever such estray shall be found nor unless such estray shall be found upon the lands owned or occupied by the finder.

Who authorised to take up estrays.

SEC. 2. Any person taking up an estray, shall, within seven days thereafter, notify the owner, if to him known, and request such owner to pay all reasonable charges and take such estray away.

Notice to be given.

SEC. 3. If the owner of any estray be unknown, the finder shall, within ten days after taking up the same, file a notice thereof with the town clerk, and if the estray or estrays so taken up are of the value of less than five dollars, he shall also post up notices of the taking up of such estray in two or more public places in such town; but if the estray or estrays so taken up are of the value of more than five dollars, the town clerk shall transmit to the

If owner be unknown, duty of finder.

county register a copy of the notice filed by the taker up in said town clerk's office, to be by the county register filed in a book kept by him for that purpose. Such notice shall contain a brief description of the estray, describing the same by giving marks natural and artificial, as near as practicable, the name and residence of the finder and as near as may be, the time at which the same was taken up, and the value of said estray or estrays. For making such entry the clerk shall receive from the taker up of any estrays ten cents each for all horses, mules, asses and meat [neat] cattle, and five cents each for all hogs, sheep and goats described in said notice.

Notice to be sent
to register of
deeds for record
—fees.

SEC. 4. Every finder of any estray or estrays, which, when taken up are of the value of ten dollars or more, shall, within one month after taking up of the same, procure an appraisement thereof by a justice of the peace of his town, which appraisal shall be certified to by such justice, and within the time before mentioned filed in the office of the town clerk of such town, and he shall pay to such justice fifty cents for such appraisement [and certificate,] and six cents for every mile necessarily traveled in such service. The town clerk shall transmit by mail or otherwise forthwith to the register of deeds of the county where such estray is detained, a certified copy of the notice and description of the estray on file in his office, for which certificate the town clerk shall receive the sum of twenty five cents to be advanced by the person detaining such estray, together with the fee of fifty cents, which fee shall be forwarded by the town clerk to the register of deeds with the notice; and upon the receipt of said notice and description, with the fee accompanying it, the register of deeds shall cause the notice and description to be recorded in a book in his office kept for that purpose, designated "estrays book." *Provided*, The register of deeds shall not be entitled to more than the sum of fifty cents for recording any estray notice and description, whether said notice includes a description of one or more animals. It shall be the duty of said register to answer all letters of inquiry addressed to him, provided such letters contain a postage stamp to pay postage on said answer.

All charges to be
paid before res-
toration.

SEC. 5. If the owner or person entitled to the possession of any estray, shall appear at any time within one year after the notice is filed with the town clerk of the aforesaid town and make out his right thereto, he shall have such estray restored to him upon paying all lawful charges which have been incurred in relation to the same.

SEC. 6. If the owner and the finder cannot agree upon the amount of such charges, or for the use of such estray, either party may make application to any justice of the peace of the town, or adjoining town, where such estray was taken up to settle the same, and the party making such application shall give notice thereof to the other party, and if any amount shall be found due to the finder by the said justice over the value of the use of such estray, the same shall, together with the costs of the justice, be a lien on such estray until paid by the owner.

In case finder and owner do not agree on charges, how adjusted.

SEC. 7. If the owner, or person entitled to the possession of any estray, shall not appear and make out his right thereto and pay the charges thereon, within one year from the time the notice is filed with the town clerk as aforesaid, and if such estray shall not have been appraised at a greater value than ten dollars, the finder shall have a perfect title to the same; but if the appraisal of such estray shall have been adjudged to be more than ten dollars, as provided in fourth section of this chapter, such estray shall be sold at the request of the finder by any constable of the town, at public auction, upon first giving public notice thereof in writing, by posting up the same in three of the most public places in said town at least ten days before such sale, and the finder may therefor at such sale, and after deducting all the lawful charges of the finder as aforesaid, the fees of the constable, which shall be the same as upon a sale on an execution, the finder shall deposit the remainder of the money with the treasurer of the county where such estray was kept, taking a receipt therefor, which shall be a legal discharge of the finder of such estray from all liability therefor.

When finder to have perfect title in estray.

SEC. 8. If the money be not claimed within one year after the sale by the former owner of the estray after the same was sold under the provisions of this act, the surplus money shall be paid by the county treasurer to the school fund of the county in which such estray was found.

Money received for estray, how disposed of.

SEC. 9. If any person, claiming the ownership of an estray when the taker up has complied with the provisions of this chapter, drives away such estray or causes to be driven away from the place where the same is kept without first paying all charges and damages and costs against such estray as provided herein, he shall be guilty of a misdemeanor, and upon conviction before any justice of the peace having jurisdiction, shall be fined double

Penalty for driving away estray.

the sum of said charges, damages and costs, and imprisoned in the county jail not less than ten nor more than thirty days.

Penalty for failure to comply with provisions of this chapter.

SEC. 10. Any person taking or detaining any estray who willfully fails or neglects to comply with the provisions of this chapter, shall be subject to a fine of not less than ten or more than one hundred dollars, or be imprisoned in the county jail not less than ten days nor more than three months, and shall be precluded from all claims to damages or compensation for keeping such estray, and the town clerk and register of deeds shall be subject to a like fine for a refusal or neglect to comply with their duties.

Repeal of former act.

SEC. 11. Chapter nineteen, title one of the general laws, revision of 1866, and all amendments thereto, be and the same are hereby repealed.

When act to take effect.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER LV.

AN ACT TO AMEND SECTION SIXTY-FIVE OF CHAPTER FIVE OF THE GENERAL LAWS OF THE STATE OF MINNESOTA FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE, RELATING TO HIGHWAYS.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section sixty-five of chapter five of the general laws of the state of Minnesota for the year one thousand eight hundred and seventy-three (1873) be and [is] hereby amended so as to read as follows:

Penalty for obstruction of a public highway.

SEC. 2. Whoever at any time obstructs any of the public highways in this state in any manner with intent to prevent the free use thereof by the public, or any person who shall do or cause to be done any plowing thereon except by permission of the overseers of said highways with the same intent, shall be subject to a fine of not less than five nor more than twenty-five dollars, together with all costs attending such conviction.

SEC. 3. This act shall take effect and be in force from and after its passage. When not to take effect.

Approved March 5, 1874.

CHAPTER LVI.

AN ACT TO CONFIRM AND ESTABLISH CERTAIN PUBLIC HIGHWAYS.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That all public roads and highways within this state which have been open and in use as such, and included in a road district in the town in which the same are respectively situated during five years next preceding the time when this act shall take effect are hereby declared to be public roads or highways, and confirmed and established as such whether the same have been lawfully laid out, established and opened or not. Public highways declared.

SEC. 2. If the right of way over the land included in any such road or highway has not been paid for or released, the owner of such land may at any time within two years after this act shall take effect, file in the office of the county auditor of the county in which such land is situate, a statement of his claim or demand for compensation for the right for such road or highway over and across such land. Such statement of such claim or demand shall be in writing and shall contain a description of the land for which such claim is made, with sufficient certainty to identify the same, and a statement of the amount claimed by the owner for the right of way for such road or highway over such land, and that such right of way over such land has not been paid for or released. Such statement shall be verified by the affidavit of the owner of such land or by the affidavit of some competent person in his behalf, and willful false swearing in such affidavit shall be perjury and punishable as such. When right of way not paid for, how to proceed.

SEC. 3. Whenever any such verified statement shall be filed in the office of the county auditor of any county, he shall communicate the same to the board of county com-

Damages assessed.

missioners at the next subsequent meeting. Such board shall thereupon proceed to assess and determine the amount which the claimant as owner of the land described in his statement is entitled to receive as a just compensation for the right of way for such road or highway over such land. In the proceedings to determine the amount to be paid for the right of way in any such case the board of county commissioners may in their discretion provide for and take a view of the premises, and the testimony of witnesses under oath, which any member of such board is hereby authorized to administer. In so determining the amount of compensation to be paid in any such case, the board of county commissioners shall first ascertain whether or not the claimant is the owner of the land for which he claims compensation, and whether or not the same is free for incumbrance, and in determining the amount of compensation to be paid to such claimant the board of county commissioners shall take into consideration the benefits of such road or highway to the property of the owner through or across whose land it runs, and such benefits shall be allowed against and deducted from the sum which such board shall fix as the value of such right of way over such land, and the balance only (if any) shall be allowed and paid to the claimant. In case the land so taken for such road shall be subject to incumbrance, the compensation shall not be paid to the claimant until the land included in roadway shall be in some effectual way relieved of such incumbrance. The county auditor shall keep a full and true record of the proceedings of the board of county commissioners in each and every claim so made and filed in his office.

Duty of county commissioners.

SEC. 4. In case the claimant in any such case shall deem himself aggrieved by the determination of the board of county commissioners therein, he may at any time within thirty days after the final determination of such board shall have been made and recorded, appeal therefrom to the district court of the same county. Such appeal may be taken by the service of a written notice thereof signed by the claimant or his attorney on the county attorney of same county, and by filing a copy of such notice of appeal and proof of the service thereof on the county attorney, in the office of the county auditor. Before such appeal shall become effectual the claimant shall file in the office of the county auditor a bond or undertaking in the sum of two hundred and fifty dollars,

Right of appeal.

signed by one or more sureties, to be approved by the county auditor, with the condition or to the effect that he will prosecute his said appeal with diligence, and pay all costs and disbursements that may be adjudged against him thereon. The claimant so appealing shall pay all costs and disbursements incurred on the part of the county in such appeal, and judgment may be rendered against him, and his sureties therefor, unless upon the trial of such appeal he recovers a sum greater than the amount assessed and determined in his favor by the board of county commissioners. In case he does recover a greater sum than the amount so awarded him by the board of county commissioners he shall have judgment against the county therefor and for his costs and disbursements on his appeal. Whenever the appeal papers in any such case shall have been perfected and filed in the office of the county auditor as herein before directed and required, the county auditor shall certify to the district court the whole record of the case, beginning with the claimants verified statement of his claim and ending with the appeal papers. Upon the filing of the appeal papers with the county auditor, the district court becomes possessed of jurisdiction over the case, and may compel the county auditor to make the return to such appeal required by law. Upon the filing of the county auditor's return to such appeal in the office of the clerk of the district court, he shall place the case in its proper order on the calendar for the next term of the district court in the county. The case shall then be subject to the rules and provisions of statute applicable to and regulating appeals from courts of justices of the peace to the district court, and the same shall be tried by jury, and be subject to review in the district court and supreme court the same as cases originating in justices courts.

Costs, how paid.

SEC. 5. All sums determined under or by virtue of the provisions of this act to be due to claimants for right of way as hereinbefore specified shall be paid by the county in which the roads for which the same are to be paid, are located, in the same manner in which other liabilities of the county are paid.

Claim; for damages, how paid.

SEC. 6. In case any claim which might be made under the provisions of this act, shall not be made in the way and manner hereinbefore provided within two years from the time when this act shall take effect, the same shall be forever barred and the right of way over all lands in the

When claim for damage; to be made.

roads or highways herein before specified shall be deemed to have been compensated or released. But all roads or highways established by this act shall be subject to be altered or vacated the same as other roads.

Security for compensation.

SEC. 7. The provisions of this act providing for the determination and payment of compensation to the owners of land for the right of way over the same shall be deemed, and are hereby declared to be good and sufficient security to such owners, their successors or assigns, for the payment of such compensation within the intent and meaning of section thirteen of article one of the constitution of this state.

When act to take effect.

SEC. 8. This act shall take effect on the first day of April, eighteen hundred and seventy-four.

Approved March 9, 1874.

CHAPTER LVII.

AN ACT TO AUTHORIZE THE BOARD OF TOWN SUPERVISORS TO OPEN, LAY OUT AND CONSTRUCT DITCHES FOR THE PURPOSE OF DRAINING PUBLIC HIGHWAYS.

Be it enacted by the Legislature of the State of Minnesota:

Overseer of highways to make and file affidavit when necessary to ditch swampy or low lands with board of supervisors.

SECTION 1. Whenever any overseer of highways shall file with the chairman of the board of supervisors of the town in which his road district is located, his affidavit stating that a certain road passing through or into the district of which he is overseer, runs into or through swamp, bog or meadow or other low land, and that it is necessary or expedient that a ditch or ditches should be opened through land belonging to any person, stating the probable length of such ditch or ditches, and the width and depth of the same, as near as possible, the point at which it is to commence, its general course, and the point near which it is to terminate, and the names of persons owning the land, if known, and a description of the land over which said ditch or ditches must pass, and that the road at that point cannot be made passable without extraordinary expense, unless such ditch or ditches are

laid out and opened. Thereupon it shall be the duty of the chairman of the board of supervisors immediately to make out a notice and fix therein a time not less than six nor more than sixty days from the date thereof. The board of supervisors will meet at the place described in said affidavit, and personally examine the premises; which notice, together with the affidavit, he shall cause to be filed in the office of the town clerk, and the clerk shall make true copies of said notice and deliver them to the overseer of highways making the affidavit, whose duty it shall be to personally serve the same upon each of the owners of the land, if residents of the county, or upon the occupants of the land if the owners are not residents of the county through which it is proposed to open such ditch or ditches, which notice may be in the following form:

Duty of chairman board of supervisors.

State of Minnesota, county of _____ Mr. _____
 Notice is hereby given, that, whereas it appears by the affidavit of overseer of road district No. _____ in the town of _____, that the road running from _____ to _____ runs into or passes through a swamp, bog, [pond] or low land, which swamp, bog, pond or low land is situated on section _____, in said town, and that it is the opinion of said overseer that a ditch or ditches should be opened through land belonging to _____, for the purpose of draining said swamp, therefore you are hereby notified that the board of town supervisors will, on the _____ day of _____, A. D. 18—, personally examine the premises over which said ditch or ditches are to pass, and decide upon said application, and will also hear any objections which may be made in the matter, and will consider the amount of damages which, in their opinion, will be just compensation to the owners of land in consequence of the opening of such ditch or ditches. Signed, _____ chairman of the board of supervisors, _____ clerk of town of _____. *Provided*, That such ditch or ditches shall be laid out upon the lines that the owner or owners of the land over which they are to pass may desire, whenever it can be so done without extra cost.

Form of notice.

SEC. 2. The overseer serving such notice shall make return thereon to the town clerk, stating the facts, and if it shall appear from the return of the overseer that the owners of said lands do not reside in the county, and that no occupant resides thereon, the town clerk shall order the publication of the notice for three successive weeks

When notice to be published.

in a newspaper printed and published in said county, or if there be no paper printed and published in said county, then he shall post or cause to be posted up the notice in three of the most public places in the county, for three weeks prior to the meeting of the supervisors, and such publication shall be considered as sufficient notice to all parties.

Examination
of road.

SEC. 3. At the time specified in the notice the supervisors shall proceed to examine the road and premises over which such ditch must pass, and hear any reasons for or against laying out the same, and shall decide upon the application as they deem proper, and shall assess the amount of damages which in their judgment will be an equitable compensation to the owners of the land for the opening of said ditch or ditches through their land, and in all cases they shall estimate the advantage and benefits the laying out and opening of such ditch or ditches will confer upon the owner of any land through which such ditch may run, as well as the disadvantages.

Damages how as-
certained.

Provided, The damages sustained by reason of laying out and opening such ditch or ditches may be ascertained by the agreement of the owners and the supervisors, in which case every agreement and release shall be in writing, and filed in the town clerk's office, and shall forever preclude such owners of lands from all further claims for damages.

To cause low
land to be ditch-
ed.

SEC. 4. If, after taking all the circumstances into consideration, the supervisors shall be satisfied that the opening of such ditch or ditches is necessary or advantageous to the public interest, they shall cause the same to be laid out and opened, and shall give such directions in the matter as shall be necessary for the effectual draining of said swamp, pond, bog or low land, and shall file a statement in writing of all their doings, including the amount of damages allowed, in the office of the town clerk, who shall copy the same into a book to be kept by him especially for that purpose; and if the order and proceedings be not appealed from within ten days from the filing thereof, as hereinafter provided for, then said judgment, order and findings shall be final, and the overseer may proceed to open the ditch or ditches, in accordance with the directions and under the instructions of the said board of supervisors.

Right of appeal.

SEC. 5. Any party through whose land said ditch shall pass may appeal from the decision of the supervisors to

the district court of the county in which the premises are situated, by filing with the town clerk within ten days after the decision of the supervisors shall have been made and filed, a recognizance of the appellant, with sureties to be approved by the said board or chairman, in a sum not less than one hundred dollars, conditioned that the appellant will appear at the next term of the district court, and prosecute his suit to final judgment, if the court shall not otherwise order for good cause; and further, that he will abide the decision of the court, and pay all costs and damages that may be assessed against him therein; or, if the appeal shall be dismissed or discontinued, that he will pay the costs of appeal. The proceedings of the district court in the appeal shall be the same as an appeal in civil action from a justice of the peace, as nearly as practicable, and costs shall be awarded for or against either party in the same manner as upon an appeal in civil actions.

SEC. 6. At any time after such ditch or ditches shall have been opened, it shall be lawful for the overseer of highways of the road district, from time to time as it may become necessary, to enter upon the lands through which such ditch or ditches have been opened, for the purpose of clearing out and scouring the same, and then and there to clear and scour the same, in such manner as to keep them open and in good order and condition.

Ditches to be kept open.

SEC. 7. Any person who shall dam up, obstruct, or in any way injure any ditch or ditches as opened, shall be liable to pay to the overseer of highways of such road district, double the damages which shall be assessed by the jury or court trying the case for such injury, and shall further be deemed to have committed a misdemeanor, and shall, upon conviction thereof, be punished by imprisonment of not more than three months, or by fine of not more than one hundred dollars, and such sums of damages and fines shall be by such overseer expended on the roads in his district.

Penalty for obstructing ditches.

SEC. 8. When the amount of damages or compensation to be paid by [to] any one or more of the owners of land taken for such ditch or ditches shall have been finally determined by proceedings under the provisions of this act, the board of town supervisors shall provide for the payment of and pay the same in the manner provided by law for the payment of like damages or compensation for land taken for a public highway, and may in their dis-

Provision for payment of damages.

cretion deduct the amount so paid from money belonging to or to be paid over to the road district in which such ditch or ditches shall have been constructed.

Exceptions.

SEC. 9. The county of Winona is excepted from the provisions of this act.

When act to take effect.

SEC. 10. This act shall be in force and take effect from and after its passage.

Approved March 2, 1874.

CHAPTER LVIII.

AN ACT PROVIDING FOR LAYING OUT SIDE ROADS AND FORD CROSSINGS, AND TO PREVENT OVER-CROWDING CATTLE WHILE CROSSING BRIDGES.

Be it enacted by the Legislature of the State of Minnesota:

Authorized to lay out side roads and ford crossings.

SECTION 1. The board of county commissioners of each county in this state, shall have power and authority to lay out and establish side roads and ford crossings near or adjacent to any bridge forming part of any county or town road, over any stream of water in their county; said side road on each side of said stream of water to intersect with the adjacent road at the nearest practicable point. In the laying out and establishing such side road and ford crossings, the same proceedings shall be had in all respects including the assessment and payment of damages as are required by law in laying out and establishing county roads; *Provided*, That this act shall not authorize the laying out and establishing side roads or ford crossings near or adjacent to any bridge, the cost of which was less than one thousand dollars.

Regulating the number of cattle to be driven over bridges.

SEC. 2. It shall be the duty of the county commissioners of each and every county in this state to cause notices to be posted at both ends of all bridges in their respective counties, where the span of such bridge shall be fifty feet or more, stating the number of cattle, horses or other animals that may be driven on, to or across said bridge at any one time.

SEC. 3. Any person or persons driving or having

charge of any drove of cattle, horses or other animals, who shall drive or permit more of said animals to enter upon or cross said bridge at one time than is specified in said notices provided for in section two of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court having jurisdiction, shall be fined in any sum not exceeding one hundred dollars, nor less than ten dollars. Penalty for violation.

SEC. 4. This act shall take effect and be in force from and after its passage. When act to take effect.

Approved March 9, 1874.

CHAPTER LIX.

AN ACT TO CONFER UPON CERTAIN CORPORATIONS THE RIGHT TO THE OCCUPANCY OF PUBLIC LANDS.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That any corporation organized under the general laws of this state, for the purpose of building any canal, for the creation of water-power for manufacturing purposes, may have the power, if it becomes necessary in the location of any part of said canal, to occupy or cross any road, street, alley, or public way, or any part thereof, upon the terms and conditions, and in a manner which may be agreed upon between said corporation and the public authorities of the county, city, town or village in which such road, street, alley or public way is situated. Certain powers granted.

SEC. 2. This act shall take effect and be in force from and after its passage. When act to take effect.

Approved February 20, 1874.

CHAPTER LX.

AN ACT TO AMEND SECTION THREE OF CHAPTER THIRTY-FOUR OF THE GENERAL STATUTES, RELATING TO CORPORATIONS.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section three (3) of chapter thirty-four (34) of the general statutes, relating to corporations, be amended so as to read as follows:

Sec. 3. Said articles shall contain:

First.—The name of the corporation, the general nature of the business, and the principal place, if any, of the transacting the same.

Articles, what to contain.

Second.—The time of commencement and the period of continuance of said corporation.

Third.—The amount of capital stock of said corporation, and how to be paid in.

Fourth.—The highest amount of indebtedness or liability to which said corporation shall at any time be subject.

Fifth.—The names and places of residence of the persons forming such association for incorporation.

Sixth.—The names of the first board of directors, and in what officers or persons the government of the corporation and the management of its affairs shall be vested, and when the same are elected.

Seventh.—The number and amount of the shares in the capital stock of said corporation.

Publication of articles of incorporation.

And shall be published for four successive weeks in some newspaper printed and published at the capital of the state, or in the county where such corporation is organized. *Provided*, That in cases where articles of incorporation have been adopted and signed, or may hereafter be adopted and signed, as provided in sections two and three of this chapter, and filed for record in the office of the secretary of state, the publication of the same for one week in some newspaper printed and published at the capital of the state, or in some newspaper printed and published in the county where such corpora-

tion is organized, shall be a sufficient publication under this chapter, and upon filing an affidavit of proof of such publication in the office of the secretary of the state, the persons named in such articles shall thereupon become a corporation, with the authority and powers in this chapter provided and intended.

SEC. 2. This act shall take effect from and after its passage. When act to take effect.

Approved March 9, 1874.

CHAPTER LXI.

AN ACT TO AUTHORIZE THE AMENDMENT OF THE ARTICLES OF CERTAIN CORPORATIONS.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. The shareholders, stockholders or persons concerned in any body politic which has been incorporated pursuant to the provisions of an act of the legislature assembly of the territory of Minnesota, entitled an act for the incorporation of colleges, seminaries, churches, lyceums, libraries and other societies for benevolent, charitable, scientific and missionary purposes, passed March fifth, eighteen hundred and fifty-three, and the act amendatory thereof, may amend the articles of such body corporate in any respect, which might have been lawfully made a part of such original articles by adopting articles specifying such amendment. Authorized to amend articles of incorporation.

SEC. 2. The said amended articles shall be subscribed and sworn to by the persons or officers, and shall be filed and recorded in the places and manner prescribed in said act for the subscription, verification and filing and recording of the original articles and thereupon shall be and become a part of the articles of such body corporate with the same force and effect as if it had been adopted as a part of the original articles. Amended articles to be subscribed to.

SEC. 3. This act shall take effect and be in force from and after its passage. When act to take effect.

Approved March 9, 1874.

CHAPTER LXII.

AN ACT TO PROVIDE FOR THE INCORPORATION OF SUBORDINATE LODGES AND ENCAMPMENTS OF THE INDEPENDENT ORDER OF ODD FELLOWS.

Be it enacted by the Legislature of the State of Minnesota:

Pertaining to
incorporation.

SECTION 1. That any subordinate lodge or encampment of the Independent Order of Odd Fellows, instituted under the authority of the grand lodge or grand encampment of said order in this state, or of the grand lodge of said order of the United States, may become incorporated in the manner provided herein.

Certificate of in-
corporation—
what to contain.

SEC. 2. Such subordinate lodge or encampment shall cause to be prepared a certificate which shall contain:

First.—The charter, name and number of such lodge or encampment.

Second.—The time when and the authority by which such lodge or encampment was instituted.

Third.—The names of the charter members of such lodge or encampment.

Fourth.—The location of such lodge or encampment.

Fifth.—The names, if a lodge, of its noble grand, vice grand and secretary, and if an encampment, of its chief patriarch, high priest and scribe for the then current term of such lodge or encampment. Such certificate shall be under the seal of such lodge or encampment, and signed by the noble grand, vice grand and secretary of such lodge, or the chief patriarch, high priest and scribe of such encampment, and shall be recorded in the office of the register of deeds of the county where such lodge or encampment is located.

When bodies
deemed incor-
porated.

SEC. 3. Upon filing such certificate in the office of such register, such lodge or encampment shall become a body corporate under its charter name and number, and shall have power to sue and be sued by its corporate name, and in such name to acquire or receive, by purchase, gift, grant, devise or bequest, any property, real, personal or mixed, and the same to hold, sell, transfer, mortgage, convey, loan, let, or otherwise use in accord-

ance with the laws and usages of said order, but said corporation has no power to divert any gift, grant or bequest from the specific purpose designated by the donor.

SEC. 4. The seal of such lodge or encampment shall be its corporate seal. Seal.

SEC. 5. Whenever the charter of any such subordinate lodge or encampment shall be surrendered to or taken away by said grand lodge or grand encampment of this state, or whenever by the laws and usages of said order such subordinate lodge or encampment shall become defunct, the corporate powers of such lodge or encampment shall cease and determine, except that such corporation as such shall have power to sell, convey and dispose of its property and collect debts due it and all such property and debts shall be delivered up to the grand lodge or grand encampment of this state in accordance with the laws of said order. Disposition of property upon surrender of charter.

SEC. 6. This act shall take effect and be in force from and after its passage. When act to take effect.

Approved February 13, 1874.

CHAPTER LXIII.

AN ACT TO AMEND SECTION FORTY-SIX, OF CHAPTER SEVENTY-FOUR OF THE GENERAL STATUTES OF MINNESOTA.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section forty-six of chapter seventy four of the general statutes of Minnesota be amended so as to read as follows, viz: The costs, charges and disbursements of partition shall be paid by the parties respectively entitled to share in the land. The amounts to be paid by each party shall be determined by the court, and be specified in the judgment. Such amounts may be docketed in like manner as judgments requiring the payment of money are docketed, and payment thereof may be enforced by executions against the property of the respective judgment debtors, as provided Costs of partition, how paid.

by section two hundred and sixty-four of chapter sixty-six of the general statutes.

Approved March 9, 1874.

CHAPTER LXIV.

AN ACT TO AMEND SECTION THIRTEEN OF CHAPTER FORTY-EIGHT OF THE GENERAL STATUTES RELATING TO ESTATE IN DOWER.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section thirteen of chapter forty-eight of the general statutes, page three hundred and sixty two, of one thousand eight hundred and sixty-six be amended so as to read as follows:

Dower, how barred by deed.
Sec. 13. A married woman may bar her right of dower in any estate conveyed by her husband or by his guardians if he is a minor, by joining in the deed of conveyance, and acknowledging the same or by a subsequent deed which may be executed either by joining with her husband therein or by herself alone, to be acknowledged as in other cases, and in cases when conveyance of real estate have been made by the husband of lands to which he had title and the separate deed of the wife has heretofore been made to the grantee of the husband for a valuable consideration paid to her such separate conveyance of the wife shall be as effectual to bar the dower in such premises as though she had joined in the deed executed by the husband.

When act to take effect.
SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER LXV.

AN ACT TO ALLOW MARRIED WOMEN TO ACT AS ADMINISTRATORS AND EXECUTORS.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. When an unmarried woman who is administratrix or executrix, alone, or jointly with another person or persons, marries, her marriage shall not extinguish her authority as such administratrix or executrix.

Relative to women as administrators, etc.

SEC. 2. All acts or parts of acts inconsistent with this act are hereby repealed.

Repeal of inconsistent acts.

SEC. 3. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved February 12, 1874.

CHAPTER LXVI.

AN ACT TO AMEND CHAPTER FIFTY-SIX OF THE GENERAL LAWS OF EIGHTEEN HUNDRED AND SIXTY-NINE (1869) BEING TITLE THREE OF CHAPTER THIRTY-SEVEN OF THE STATUTES AT LARGE, RELATING TO MARRIED WOMEN.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That section five of chapter fifty-six of the general laws of the year A. D. eighteen hundred and sixty-nine (being section fifty-one of chapter thirty-seven of the statutes at large) be, and the same is hereby amended so as to read as follows :

Sec. 5. Whenever a married man shall be deserted by his wife, or a married woman shall be deserted by her husband for the space of one year, or whenever he, or she would for any cause be entitled to a divorce from

Disposition of property in case of desertion by either party—decree to be recorded.

such husband or wife under the laws of this state, he or she may bring an action in the district court of the proper county, asking for a decree which shall debar him or her so deserting, or furnishing grounds for a divorce from any right or estate by the curtesy or in dower, or otherwise as the case may be in or to his or her lands, and which will give such wife or husband full authority to alien, sell and convey and dispose of his or her lands without the interference of, or signature of the husband or wife so deserting or being guilty of acts which would entitle the person bringing such action, to a divorce, and the court may grant such decree whenever it shall appear just or expedient, and thereupon the husband or wife shall have full control of his or her real estate, with power to convey the same without the husband or wife joining in the conveyance, and as fully as if he or she were unmarried, or the court may by such decree make such limitations on the power to convey such real estate, as may seem meet and proper in the premises. A certified copy of such decree may be recorded in the deed records in the office of the register of deeds of any county wherever such lands, or any part thereof may be situated.

When act to take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER LXVII.

AN ACT TO AMEND CHAPTER EIGHTY-FOUR OF THE GENERAL STATUTES, RELATING TO FORCIBLE ENTRIES AND UNLAWFUL DETAINERS.

Be it enacted by the Legislature of the State of Minnesota:

When appeal to be taken—when justice to file transcript.

SECTION 1. That in all cases of appeal, taken under chapter eighty-four of the general statutes, relating to forcible entries and unlawful detainers, in the county of Ramsey, such appeal to be effectual for any purpose, shall be taken within two days after the rendition of the

verdict of the jury, or decision of the justice, from which such appeal is taken. Within two days after such appeal is taken, the transcript shall be filed by the justice, in either the district court or the court of common pleas of the county of Ramsey. Thereupon the said action may be brought to trial by either party, at any special or general term of said court, by giving to the other party three days notice in writing of such trial. Upon the filing of said transcript, the court in which the same is filed shall have complete jurisdiction of said action, and may hear either at term or at chambers, any motion or application therein made by either party, provided two day's notice in writing of such motion or application shall have been given to the other party.

SEC. 2. In every case of appeal aforesaid, the court shall if necessary order a special venire to issue, to the sheriff of the county, commanding him to summon from the county at large, a number therein named of competent persons to serve as jurors, in the trial of said action.

SEC. 3. That this act shall be in force from and after its passage.

Approved March 5, 1874.

CHAPTER LXVIII.

AN ACT TO AMEND CHAPTER SEVENTY-FIVE OF THE GENERAL STATUTES OF THE STATE OF MINNESOTA.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section one of chapter seventy-five of the general statutes of Minnesota shall be amended so as to read as follows:

Sec. 1. An action may be brought by any person in possession by himself, or his tenant, of real property, against any person who claims an estate or interest therein, or lien upon the same adverse to him, for the purpose of determining such adverse claim, estate, lien, or interest; and any person having or claiming title to vacant or unoccupied real estate, may bring an action

Special venire.

When act to take effect.

Action to determine adverse claim to real property

against any person claiming an estate or interest therein adverse to him, for the purpose of determining such adverse claim and the rights of the parties respectively.

When act to take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER LXIX.

AN ACT TO AMEND CHAPTER NINETY OF THE GENERAL STATUTES OF THIS STATE ENTITLED LIENS.

Be it enacted by the Legislature of the State of Minnesota:

Party performing labor or furnishing materials shall have lien.

SECTION 1. Section one of chapter ninety of the general statutes of this state is hereby amended by adding at the end thereof the following provisions: Whoever furnishes any labor, skill or material for constructing, altering or repairing any line of railway, or for constructing, altering or repairing any bridge, telegraph, depot, fences or other structure appertaining to any line of railway, by virtue of any contract with the owner, or with any party authorized by the owner of such line of railway, or by virtue of any subcontract with any original contractor with such owner, or with such authorized party, shall have a lien to secure the payment for such labor, skill and material upon all such line of railway, and upon all franchises, privileges and immunities, and upon all bridges, depots, telegraphs, fences and other structures, and upon all right of way appertaining to such line of railway.

SEC. 2. Section seven of said chapter is hereby amended so as to read as follows:

Account to be recorded in office of register of deeds.

Sec. 7. Any person, copartnership or corporation, entitled to a lien under the provisions of section one aforesaid, shall make an account in writing of the item or items of labor, skill, materials or machinery furnished, and, after oath being made to the correctness thereof by the party furnishing the same, or by the agent of such party, shall, within one year from the time of the furnishing of such labor, skill, materials or machinery, file the same in

the office of the register of deeds of the county in which such labor, skill, materials or machinery shall have been furnished in case the same shall have been furnished for the construction, alteration or repair of any line of railway, or of any bridge, depot, fences or other structure appertaining to such line of railway in the office of the secretary of state; which account so made, verified and filed, shall be recorded at length in such office, in the records thereof. Such account, so verified and filed, shall, during all the period of time from the commencement of such labor or skilled services, or the furnishing of such materials and machinery, until the expiration of two years after the completion of such skilled services or labor, or the furnishing of such materials or machinery, operate as a lien upon the several descriptions of structures and buildings, and upon the lots of ground on which they stand, in the first section of this chapter referred to, and upon such line of railway, and upon all franchises, privileges and immunities, and upon all bridges, depots, telegraphs, fences and other structures, and upon all right of way appertaining to such line of railway. When any labor has been done or materials furnished as provided, upon a written contract or subcontract, a copy of the same shall be filed with the account hereinafter [before] referred to.

Lien, how long shall continue.

SEC. 3. Section ten of said chapter is hereby amended by adding at the end thereof the following provisions: When judgment is obtained establishing any lien given by the provisions of this chapter upon any line of railway, such line of railway, together with all franchises, privileges, immunities, bridges, depots, telegraphs, fences and other structures, and all right of way, appertaining to such line, may be sold upon execution, to satisfy such judgment, and the purchaser thereof at any such sale shall have and hold all and singular the same in the same manner and with the same effect as the same were had and held by the judgment debtor. Such sale or [on] execution shall be conducted in like manner and be upon like notice, and be subject to like redemption as sales of real property upon execution, except that the notice of sale required by law to be published in a newspaper, shall be published in some newspaper published at the capital of this state.

Lien, how satisfied.

SEC. 4. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved March 9, 1874.

CHAPTER LXX.

AN ACT TO AMEND SECTION EIGHT OF CHAPTER SEVENTY-THREE OF THE GENERAL STATUTES, IN RELATION TO WITNESSES AND EVIDENCE.

Be it enacted by the Legislature of the State of Minnesota:

Party not allow-
ed to testify,
when.

SECTION 1. That section eight of chapter seventy-three of the general statutes in relation to witnesses and evidence, be amended so as to read as follows: When one, or in case of a joint and several contract, all of the original parties on the same side to a contract, or cause of action in issue and on trial, are dead, or shown to the court to be insane, the other party or parties shall not be admitted to testify as to such contract in his or their own favor, unless such transaction was had and performed on behalf of the party or parties so deceased, or insane, by an agent whose testimony is received, or unless such contract was made or entered into in the presence of some person or persons other than such contracting parties, whose testimony is received upon such trial in behalf of the party deriving title through or under such deceased or insane party or parties. Provided, that whenever an assignor of a contract or thing in action, or the payee or indorser of a negotiable instrument, is examined as a witness to matters transpiring prior to the transfer or assignment of such contract or instrument, on behalf of any person deriving through or from him, the adverse party shall be received as a witness to the same matters in his own behalf.

Approved March 9, 1874.

CHAPTER LXXI.

AN ACT TO AMEND CHAPTER FORTY-NINE OF THE GENERAL STATUTES OF MINNESOTA.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That chapter forty-nine of the general statutes of this state be amended by the addition to said chapter at the end thereof, of the following new sections, to wit :

SEC. 2. That section sixteen of said chapter forty-nine be amended by adding thereto the following :

The appellant shall cause an entry of such appeal to be made by the clerk of the district court on the register of actions and upon the calendar, on or before the first day of the next general term thereof. Entry of appeal, when.

Sec. 17. Immediately after an appeal is perfected, as provided in the preceding section of this chapter, the judge or clerk of the probate court shall, upon the request of either party to such appeal, and upon the payment or tender of ten cents per folio therefor, make a return to such appeal to the district court of the proper county ; and such return shall consist of a certified transcript of all of the papers and proceedings upon which the order, judgment or decree appealed from shall have been founded, including a copy of such order, judgment or decree ; and if such return is not filed in the office of the clerk of the proper district court within twenty days after the said appeal is perfected, such appeal may be dismissed upon motion of respondent therein, or such return may be compelled by order of the district court upon the motion of either party to such appeal. Return of appeal when made, to consist of what, &c.

Sec. 18. When any appeal from a probate court to the district court is taken upon questions of law alone, the evidence, oral and documentary, upon which the judgment, order or decree is founded, shall be certified to the district court by the judge or clerk of the probate court, and the same shall thereupon form a portion of the records of the cause in which such appeal is taken, but when the appeal is taken upon questions of fact, or both law and Evidence upon which decree is founded to be certified to district court, when.

fact, none of the evidence taken upon the trial of a cause need be transmitted to the district court.

Appeal perfected
when.

Sec. 19. Upon filing of the return of the probate court in the office of the clerk of the district court, such appeal shall be presumed to have been duly perfected in the court below, and the district court shall be deemed to have acquired jurisdiction of the cause, and may thereafter compel a further or an amended return, or may allow any amendments to be made, or defects or mischances to be supplied or corrected, to the same extent as in civil actions in said court.

When appeal
may be brought
on for hearing—
when jury trials
allowed

Sec. 20. Upon the filing of a return to an appeal as hereinbefore provided, the same may be brought on for hearing before the district court by either party, upon eight days' notice to the adverse party, and either in term, time or vacation, but no jury trials shall be allowed in such cases, except as provided by section one hundred and ninety-nine of chapter sixty-six of the general statutes, and upon issues settled in accordance with the rules of the district court in such case provided. *Provided*, That the prevailing party shall be entitled to costs upon the final judgment of the district court, as in civil actions, unless otherwise ordered by the court.

Jury impannel-
led, how.

Sec. 21. In case of the settling and submitting of any issue or issues to a jury under the provisions of this chapter, at any other trial than in term time, such jury shall be selected, summoned and impannelled under the direction of the judge, in the same manner, as near as may be, to the provisions of sections fifty-four and fifty-five, of chapter sixty-five of the general statutes, and any verdict rendered by such jury shall be as valid and conclusive as if the same were rendered by a regular panel in term time.

When act to take
effect.

Sec. 22. This act shall take effect and be in force from and after its passage, and shall apply to all proceedings now pending where the appeals have been taken, except that it shall not be so construed as to affect any vested rights.

Approved February 23, 1874.

CHAPTER LXXII.

AN ACT TO AMEND SECTION FOUR OF TITLE ONE OF
CHAPTER SIXTY-FOUR OF THE GENERAL STATUTES.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That section four of title one of chapter sixty-four of the general statutes be amended by adding thereto the following: *Provided, however,* That such Change of venue interest shall not disqualify such judge from ordering a change of venue in any such cause, but it shall be the duty of such judge on the application of any party desiring a change of venue in such action to order the same upon a proper showing of such interest on the part of the judge as in other cases of change of venue.

SEC. 2. This act shall take effect and be in force from When act to take effect. and after its passage.

Approved March 2, 1874.

CHAPTER LXXIII.

AN ACT TO AMEND SECTION SIXTY-THREE OF CHAPTER
TEN OF THE GENERAL STATUTES, RELATING TO THE
DUTIES OF TOWN CLERKS.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That section sixty-three of chapter ten of the general statutes be amended so as to read as follows :

Sec. 63. The town clerk shall have the custody of the record books and papers of the town, when no other Town clerk to be custodian of books and papers of town, and may appoint deputy. provision is made by law, and he shall duly file and safely keep all certificates of oaths and other papers required by law to be filed in his office. He may at his discretion appoint a deputy town clerk, for whose acts he shall be

responsible. Before any deputy town clerk shall enter upon the duties of his office, he shall take and subscribe the oath required by law, which oath shall be filed in the office of the clerk of the court.

When not to take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 16, 1874.

CHAPTER LXXIV.

AN ACT TO AMEND SECTION NINETY-FOUR OF TITLE THREE OF CHAPTER EIGHT OF THE GENERAL STATUTES OF EIGHTEEN HUNDRED AND SIXTY-SIX, RELATING TO COUNTY COMMISSIONERS.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section ninety-four of title three of chapter eight of the general statutes of eighteen hundred and sixty-six, be amended so as to read as follows:

Meetings of county commissioners, when.

"Section 94. The board of county commissioners shall meet at the county seat of their respective counties for the purpose of transacting such business as may devolve upon or be brought before them on the first Tuesday of January and on the fourth Monday of July, in each year, and may hold such extra sessions as they deem necessary for the interest of the county. Such extra sessions shall be called by a majority of the board, and the clerk shall give at least ten days' notice thereof to the commissioners, but no regular session shall continue longer than six days, and no extra session longer than three days."

Relating to change of time for sessions.

SEC. 2. Every thing or act required of said board of county commissioners, or which they were authorized to do, at their September session, as heretofore authorized, shall be done hereafter at their July sessions, provided for in the foregoing section.

Approved March 9, 1874.

CHAPTER LXXV.

AN ACT TO AMEND SECTION SEVEN OF CHAPTER TWENTY-SIX OF THE GENERAL LAWS OF THE YEAR 1871, RELATING TO "PATENT RIGHTS."

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That section seven of chapter twenty-six of the general laws of the year one thousand eight hundred and seventy-one, be so amended as to read as follows: "All actions commenced before a justice of the peace, in the district court, or in a court of common pleas, in this state, to recover any debt, demand or sum of money, upon any promissory note or other written instrument where the consideration thereof was for a patent right, or any interest therein, shall be brought in the county where the defendant resides, if a resident of this state, at the time of the commencement of such action and not elsewhere."

Patent rights—
actions to recover
re relating there-
to.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to take
effect.

Approved February 19, 1874.

CHAPTER LXXVI.

AN ACT TO AMEND SECTION FOUR, AND TO REPEAL SECTION FIVE, AND AMEND SECTION ELEVEN OF CHAPTER TWENTY-ONE, STATUTES OF MINNESOTA, REVISION OF EIGHTEEN HUNDRED AND SIXTY-SIX, RELATING TO WEIGHTS AND MEASURES.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That section four of chapter twenty-one of the statutes of Minnesota, revision of eighteen hundred

and sixty-six, relating to weights and measures, be and the same is hereby amended so as to read as follows:

County treasurer authorized to appoint deputy sealers of weights and measures.

Sec. 4. The county treasurer of each organized county shall have power to appoint in writing a deputy sealer of weights and measures for each railroad station and wheat market in his county, each of which appointments shall be recorded in the office of register of deeds, and there upon each of said deputies shall have all the powers and shall be competent to perform all the duties of such office, and shall, in case of willful neglect or refusal to faithfully discharge the duties required of him by law, be punished in accordance with the provisions of this act relating to the office of sealer of weights and measures.

SEC. 2. That section five of chapter twenty-one of the statutes of Minnesota, revision of eighteen hundred and sixty-six, be and the same is hereby repealed.

SEC. 3. That section eleven of said chapter twenty-one be, and the same is hereby amended so as to read as follows, to-wit:

Persons using weights and measures to have same proved and sealed.

Section 11. All persons engaged in any business, trade or occupation, requiring the use of weights or measures, shall, on or before the first day of June annually, cause to be tried, proved and sealed by the sealer of weights and measures, in their respective counties, all scale beams, steelyards, weights or measures, used by them in buying or selling any goods, wares, merchandize, grain or other commodities. If after the expiration of three months from the passage of this act, any person shall buy, sell or dispose of any goods, wares, merchandize, grain, or other commodities by any scale beams, steelyard, weight or measure, not proved and sealed in accordance with the provisions of the law to which this is amendatory, or shall fraudulently buy, sell or dispose of any goods or commodities, wares, grain or merchandize by any scale beam, steelyard, weight or measure that has been sealed, but is unjust, shall be deemed guilty of a misdemeanor, and upon conviction thereof by any court having competent jurisdiction, shall be fined not less than five, nor more than one hundred dollars; and upon neglect or refusal to pay such fine and the costs of prosecution, the court before whom the accused shall have been tried shall commit him to the county jail, until such fine and costs are paid, or he is discharged by due course of law. And for the purpose of enforcing the law, it shall be the duty of the sealer of weights and measures, or his

Penalty for using weights and measures not proved and sealed, &c.

deputy, upon the written request of any aggrieved person, and upon the payment to him in advance by such person, the sum of one dollar, and the further sum of twenty cents per mile for going and returning, as traveling expenses, to examine and test any weights or measures used within his county, whether the same shall have been before tested, proved and sealed or not, at any time when called upon, and without previous notice to the person or party complained of. And if such sealer of weights and measures, or any deputy sealer of weights and measuree, shall directly or indirectly give previous notice or information to the party complained of, of such examination, in any manner whatever, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by fine not less than fifty, nor more than one hundred dollars, or by imprisonment in the county jail for not less than thirty, nor more than ninety days, or by both fine and imprisonment in the discretion of the court. All fines collected under the provisions of this act shall be paid over to the county treasurer for the benefit of the school fund of the county where the action is brought.

Disposition of
fines collected.

SEC. 4. This act shall take effect and be in force from and after its passage.

When act to take
effect.

Approved March 9, 1874.

LXXVII.

AN ACT TO AMEND SECTION SIX, TITLE THREE, CHAPTER THIRTY-TWO OF THE GENERAL STATUTES, IN RELATION TO THE OFFICE OF SURVEYOR GENERAL.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section six, title three, chapter thirty-two of the general statutes, is hereby amended so as to read as follows: There shall be biennially appointed by the governor, with the advice and consent of the senate, a surveyor general for each of the districts aforesaid, who shall be a citizen of the district for which he is appointed

Appointment of
surveyors gener-
al of districts.

Duty of retiring
surveyor general.

at the time of his appointment, and he shall enter upon the discharge of the duties of his office on the third Monday in April next succeeding his appointment, and shall hold his office for two years and until his successor is appointed, confirmed and qualified. *Provided*, That it shall be the duty of the surveyor general whose term of office has expired, to make the scale bills and record them in the books of the surveyor general's office, of all logs scaled by him or deputies prior to the time he surrenders the same to his successor, and for that purpose he shall have access to the books of the office, and all bills so made and recorded shall have the same validity as if made and recorded during his term of office.

SEC. 2. Chapter ninety-five of the general laws of eighteen hundred and sixty-seven, is hereby repealed. *Provided*, That all appointments heretofore made to said offices during the present session of the legislature, shall not be affected by the repeal of said chapter, but shall be valid, subject to the confirmation of the senate, and subject also to the provisions of section one of this act.

When act to take
effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 7, 1874.

CHAPTER LXXVIII.

AN ACT TO AMEND SECTION ONE HUNDRED AND TWENTY-THREE, CHAPTER ONE, GENERAL LAWS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-THREE, RELATING TO SCHOOL DISTRICTS.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section one hundred and twenty-three, in title four of chapter one of the general laws of the year A. D. eighteen hundred and seventy-three be, and the same is hereby amended by adding to the end thereof the following proviso:

Failure of trustees to file certified copy of judgment docket.

Provided, That if the trustees of any school district against which any judgment has been obtained, and which

has not been appealed from, or which in case of an appeal has been affirmed in the appellate court in whole or in part, fail to certify to the county auditor of the proper county, as provided in this section, on or before the first day of October next, after the certified copy of the docket of such judgment has been presented to said trustees, as provided in section one hundred and twenty-two of this act, and the judgment creditor, his attorney or agent shall file a certified copy of such docket entry of said judgment with the county auditor of the proper county, before such auditor has extended the tax against such school district, accompanied by an affidavit stating that such judgment or any part thereof remains unpaid, and stating the amount claimed to be due thereon, and that a certified copy of such judgment had been previously served on such trustees, such county auditor shall at once levy a tax on said district, sufficient and for the purpose of satisfying such judgment and the costs thereon, which action of the county auditor shall have the same force and effect and stand in the place of the action of such school district trustees for all purposes whatever.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved March 5, A. D. 1874.

CHAPTER LXXIX.

AN ACT TO MAKE THE STATUTES AT LARGE OF MINNESOTA OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE, PRIMA FACIE EVIDENCE IN THE COURTS OF THIS STATE.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the work commonly known and designated as the statutes at large of Minnesota of one thousand eight hundred and seventy-three compiled by A. H. Bissel, and published by Callaghan and Company, printed and bound in two volumes, and containing a compilation of the general and statute laws of

Relative to the statutes at large.

this state, shall be admissible in all the courts of law of this state, and on all occasions as *prima facie* evidence of such laws. *Provided however*, That the publisher of said compilation shall file with the secretary of state an agreement to the satisfaction of said secretary of state to furnish for the use of the state, or of the counties of the state, any number of copies of said compilation required for the next ten years at not more than ten dollars per set.

When act to take
effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 4, 1874.

CHAPTER LXXX.

AN ACT IN RELATION TO SERVICE OF SUMMONS IN DISTRICT COURT.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Whenever any person, other than a sheriff or other proper officer, shall serve a summons issued out of the district court, no fee shall be allowed therefor, either for traveling in making such service or for serving such summons.

Fees not allowed,
when.

SEC. 2. This act shall be in force and take effect from and after its passage.

When act to take
effect

Approved March 5, 1874.

CHAPTER LXXXI.

AN ACT TO AMEND SECTION SEVEN OF TITLE THREE, OF CHAPTER THIRTY-TWO OF THE GENERAL STATUTES, AS AMENDED BY CHAPTER FORTY-TWO OF THE GENERAL LAWS OF EIGHTEEN HUNDRED AND SIXTY-EIGHT.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section seven of title three, of chapter thirty-two of the general statutes, as amended by chapter forty-two of the general laws of the year one thousand eight hundred and sixty-eight, be and the same is hereby amended by striking out the word "Oneota," and inserting in lieu thereof the word "Duluth."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER LXXXII.

AN ACT TO ANNUL [AMEND] AN ACT ENTITLED "AN ACT TO ANNUL [AMEND] AN ACT ENTITLED 'AN ACT PRESCRIBING RULES AND REGULATIONS FOR THE EXECUTION OF THE TRUST ARISING UNDER THE ACT OF CONGRESS, ENTITLED "AN ACT FOR THE RELIEF OF CITIZENS OF TOWNS UPON LANDS OF THE UNITED STATES, UNDER CERTAIN CIRCUMSTANCES, APPROVED MARCH THIRD ONE THOUSAND EIGHT HUNDRED AND FIFTY-FIVE.'"

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section one of chapter twenty-five of the general laws of the year one thousand eight hundred and sixty, be amended so as to read as follows:

Section 1. That Hon. Francis M. Crosby, judge of the first judicial district of the state of Minnesota, be, and he hereby is authorized and fully empowered, to execute and discharge within said judicial district all duties and trusts in like manner, and subject to the same requirements as are required by the act entitled "An act prescribing rules and regulations for the execution of the trust arising under the act of Congress entitled 'An act for the relief of citizens of towns upon lands of the United States, under certain circumstances,'" approved March third, one thousand eight hundred and fifty-five, and the several acts amendatory thereof.

Validity of conveyances.

SEC. 2. That all deeds of lands heretofore made and executed by the said Francis M. Crosby, judge as aforesaid, under the trust by said several acts created, be and they hereby are declared to be as legal and valid conveyances of the lands therein described as if executed by the original trustee, and the record of any such deeds are hereby declared to be legal and competent evidence from the time of the record thereof, in like manner as the record of other deeds are or may be by law made evidence.

When act to take effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

CHAPTER LXXXIII.

AN ACT TO LEGALIZE THE ORGANIZATION OF THE COUNTY OF NOBLES AND TO LEGALIZE THE OFFICIAL ACTS OF THE OFFICERS OF SAID COUNTY.

Be it enacted by the Legislature of the State of Minnesota:

County legally organised.

SECTION 1. That the proceedings for the organization of the county of Nobles be and the same are hereby legalized, and the said county of Nobles is hereby declared to be a legally organized county, and the official acts of the officers of said county since its organization are hereby legalized.

When act to take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 17, 1874.

CHAPTER LXXXIV.

AN ACT TO LEGALIZE THE ACTS OF PERSONS ACTING AS
CLERKS OF COURTS IN COUNTIES NOT ORGANIZED FOR
JUDICIAL PURPOSES.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the acts of persons, whether in the matter of acknowledgments of deeds or otherwise, who have been elected clerks of courts in any county or counties not organized for judicial purposes; or who have been appointed as clerks of courts by any board of county commissioners in such counties and whose official bonds have been approved by their respective board of county commissioners, be and the same are hereby legalized.

Legality of proceedings of clerk of court in unorganized counties.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved February 19, 1874.

CHAPTER LXXXV.

AN ACT TO LEGALIZE THE RECORD OF CERTAIN CERTIFICATES EXECUTED UNDER AND BY VIRTUE OF SECTION ELEVEN, CHAPTER EIGHTY-ONE, TITLE ONE, STATUTES OF MINNESOTA.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That no certificate executed under and by virtue of section eleven, chapter eighty-one, title one, statutes of Minnesota, shall be deemed invalid by reason of the same not having been made, executed, proved or acknowledged and recorded within the twenty days mentioned in said section, and the record of all such certificates heretofore executed, proved or acknowledged and

Certificates of sale, declared valid for record, though not made in time.

recorded after the expiration of the said twenty days is hereby legalized and made valid, and said record shall have the same force and effect as if said certificate had been executed, proved and acknowledged and recorded within the said twenty days; *Provided*, That nothing herein contained shall be construed to apply to cases now pending which involves the legality or validity of any such certificates of sale.

When act to take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1874.

CHAPTER LXXXVI.

AN ACT TO LEGALIZE THE FILING OF AFFIDAVITS IN CERTAIN CASES AND MAKING THEM EVIDENCE.

Be it enacted by the Legislature of the State of Minnesota:

When affidavits may be received as evidence.

SECTION 1. That in all cases where affidavits authorized by sections fifty-four and fifty-five, of chapter seventy-three, of and sections nineteen and twenty of chapter eighty-one of the general statutes, have been heretofore filed and recorded, or shall hereafter be filed and recorded within one year after this act shall have become a law, such affidavits, or duly certified copies thereof, shall be received in evidence in the same manner and with the same effect as if the same had been filed and recorded within the time in said sections specified.

Not to affect validity in case of failure to file.

SEC. 2. No proceedings in which such affidavits might have been heretofore filed and recorded, shall be deemed invalid in consequence of the failure to file and record the same within the time required by said sections; *Provided*, That nothing herein shall be held to effect any vested rights of [any] person or persons not parties to such proceedings.

When act to take effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER LXXXVII.

AN ACT TO PROHIBIT PERSONS WHO HOLD THE OFFICE OF JUSTICE OF THE PEACE FROM HOLDING THE OFFICE OF COUNTY ATTORNEY AT THE SAME TIME.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Any person who may hold the office of justice of the peace shall be ineligible to hold the office of county attorney, and no person shall hold both said offices at the same time. Pertaining to holding office.

SEC. 2. This act shall take effect and be in force from and after its passage. When act to take effect.

Approved March 9, 1874.

CHAPTER LXXXVIII.

AN ACT TO PROVIDE FOR THE EMPLOYMENT OF STENOGRAPHIC OR SHORT-HAND REPORTERS IN THE DISTRICT COURTS AND COURTS OF COMMON PLEAS IN CERTAIN DISTRICT COURTS IN THIS STATE.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Each of the judges of the district court and courts of common pleas in the first, third, fourth, sixth, seventh and eighth and ninth judicial districts, Houston county of the tenth district, and the fifth judicial district except the counties of Steele, Dodge and Renville, in this state, is hereby authorized in his discretion to employ and appoint a competent short-hand writer to make, in short-hand writing, a true record or report of the proceedings and evidence taken upon the trials of issues of facts in the several courts held in his district, and when required by the court, or either of the parties Appointment of stenographic reporters in certain districts.

to any such trial, to transcribe such record or report into the words which shall be represented by the characters used by him in reporting such proceedings and evidence as the same shall occur. *Provided, however,* that no such reporter shall be appointed in any county whose board of county commissioners shall not first authorize such appointment.

Reporter to take oath. SEC. 2. Before such reporter shall enter upon the performance of his duties he shall take and subscribe an oath that he will, to the best of his knowledge and ability, keep in short hand writing a true, full and accurate record of all the proceedings taken and evidence given upon the trials of issues of fact in the district court, when required so to do by the judge of said court, and that he will make and file with the clerk of the court a true and full transcript of his record or report in each case, into the words represented by the signs or characters which he shall use in his short-hand writing. Such oath shall be filed in the office of the clerk of the district court in one of the counties in the district for which he is appointed.

Duty of reporter. In reporting or recording the evidence of witnesses sworn and examined upon the trial of issues of fact, he shall record or report the questions put to the witnesses and the answers thereto given by be witnesses, in the words used by the questioners and the witnesses. He shall not be required to report or record the arguments of counsel, but shall record all objections and the grounds thereof, as stated by counsel, and also the decisions or rulings of the court thereon, and exceptions taken by counsel to such decisions or rulings, and shall immediately upon the completion of any trial file his report in such short-hand writing in the office of the clerk of the court where such trial was had, which report shall remain on file for the use of all parties interested, and in the performance of his duties he shall be subject to the orders and discretions [directions] of the court, and the judge may at any time discharge such reporter and employ and appoint another.

Force of such record. SEC. 3. When the record or report of a trial shall have been so made, transcribed and filed, and approved by the judge before whom such trial was had, it shall have such force and effect as a record of the court, and as a case, or bill of exceptions, as the court may by general rule or order prescribe.

SEC. 4. The amount or rate of compensation to be

paid to such short-hand reporter shall be fixed by the judge who appointed him, and each county shall pay the compensation for his services during the time he shall be employed in the cases tried therein. The judge shall certify the time during which he shall be employed at any term in the county, and the amount to which he is entitled therefor. Upon the presentation of such certificate of the judge to the county auditor of the county, he shall draw his order in favor of such reporter, upon the county treasurer, for the amount so certified. But such compensation shall not exceed ten dollars per day while employed in court and fifteen cents per folio of one hundred words for the transcript, and *provided further* that when such reporter shall be required by either of the parties to an action to transcribe his record into long-hand writing the fees for such transcription as above provided for shall be paid by the party requiring the same. Fees of reporter.

SEC. 5. This act shall be in force from the time of its passage. When act to take effect.

Approved February 19, 1874.

CHAPTER LXXXIX.

AN ACT TO PROVIDE FOR FILING THE OFFICIAL BONDS OF COUNTY OFFICERS IN THE OFFICE OF THE SECRETARY OF STATE.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That all official bonds of county officers which are now or which may hereafter be required to be filed and recorded in the office of the register of deeds of the county where such officers reside respectively, shall be forwarded by such register of deeds when so recorded to the secretary of state who shall file the same in his office and retain the same for the use of all parties interested therein. Bonds of county officials to be filed with secretary of state.

SEC. 2. No bond so filed in the office of the secretary of state shall be removed therefrom except upon the writ- How bond to be removed.

ten order of the judge of some court of record of the state before whom an action is pending to enforce the conditions of such bonds.

When copy of said bond to be used as evidence.

SEC. 3. A copy of any such official bond so filed in the office of the secretary of state, and duly certified by him under his hand and seal of office to be a true copy of the original bond or [on] file in his office may be used as evidence in all the courts of this state, and shall have the same force and effect as if the original bond were produced in court.

When act to take effect.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 28, 1874.

CHAPTER XC.

AN ACT TO CREATE THE ELEVENTH AND TWELFTH JUDICIAL DISTRICTS, AND TO PROVIDE FOR THE ELECTION OF JUDGES THEREIN.

Be it enacted by the Legislature of the State of Minnesota:

Counties detached for judicial purposes.

SECTION 1. That the counties of Crow Wing, Aitkin, Cass, Polk, Pembina, Clay, Wadena, Becker, St. Louis, Carlton, Itasca, Lake, Traverse, be and the same are hereby detached from the seventh judicial district for judicial purposes.

What to constitute the eleventh district.

SEC. 2. That the counties of Crow Wing, Aitkin, Cass, Polk, Pembina, Clay, Wadena, Becker, Saint Louis, Carlton, Itasca, Beltrami, Lake, Traverse, be and the same are hereby constituted the eleventh judicial district.

Judge to be appointed.

SEC. 3. A district judge shall be elected therefor at the next general election, and the governor is hereby authorized to fill the vacancy by appointment until such election and the qualification of the elected judge according to law.

Repeal of inconsistent acts.

SEC. 4. All acts and parts of acts inconsistent with this Act are hereby repealed.

SEC. 5. This act shall take effect and be in force from When act to take effect.
and after its passage.

Approved March 5, 1874.

CHAPTER XCI.

AN ACT TO DETACH THE COUNTY OF ROCK FROM THE COUNTY OF NOBLES FOR JUDICIAL PURPOSES, AND TO ORGANIZE THE SAME FOR JUDICIAL PURPOSES, AND TO PROVIDE FOR GENERAL TERMS OF THE DISTRICT COURT THEREIN.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the county of Rock is hereby detached from the county of Nobles for judicial purposes, Rock detached from Nobles. and is hereby declared to be organized for judicial purposes, with all the rights, privileges and immunities of counties of this state organized for judicial purposes.

SEC. 2. General terms of the district court shall be held in and for said county of Rock on the first Tuesday of April in each year. Term of court therein.

SEC. 3. All judicial proceedings now pending in, and all recognizances and writs returnable to the district court in the county of Nobles from the county of Rock shall be made pending in and returnable to the district court in said county of Rock, and all papers on file with the clerk of the district court in said Nobles county which appertain unto said county of Rock shall be immediately transferred to the clerk of said court in said Rock county, and all records in the office of the clerk of the district court of said Nobles county which appertain unto said Rock county shall be transcribed and recorded in the office of the clerk of the district court in said Rock county. All proceedings returnable to Rock coun y.

SEC. 4. This act shall be a general act, and shall take effect and be in force from and after its passage, and all acts or parts of acts inconsistent with this act are hereby repealed. When act to take effect.

Approved February 7, 1874.

CHAPTER XCII.

AN ACT TO DETACH THE COUNTY OF YELLOW MEDICINE FROM THE COUNTY OF REDWOOD FOR JUDICIAL PURPOSES, AND TO PROVIDE FOR GENERAL TERMS OF THE DISTRICT COURT THEREIN.

Be it enacted by the Legislature of the State of Minnesota:

Yellow Medicine
detached from
Redwood.

1872-1877
Term of court
therein.

SECTION 1. That the county of Yellow Medicine be and the same hereby is detached from the county of Redwood for judicial purposes.

SEC. 2. General terms of the district court shall be held in and for said county of Yellow Medicine, in the ninth judicial district, annually, on the first Tuesday of October.

All proceedings
returnable to
Yellow Medicine
county.

SEC. 3. All judicial proceedings now pending in and all recognizances and writs returnable to the district court in the county of Redwood from Yellow Medicine county, shall be made pending in and returnable to the district court in Yellow Medicine county, and to the term of said court as fixed by law.

When act to take
effect

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 25, 1874.

CHAPTER XCIII.

AN ACT TO DETACH THE COUNTY OF SWIFT FROM THE COUNTY OF CHIPPEWA AND ATTACH THE SAME TO THE COUNTY OF KANDIYOHI FOR JUDICIAL PURPOSES.

Be it enacted by the Legislature of the State of Minnesota:

County of Swift
detached from
Chippewa to
Kandiyohi
county.

1878-1879

SEC. 1. The county of Swift is hereby detached from the county of Chippewa for judicial purposes, and the same is hereby attached to the county of Kandiyohi for judicial purposes.

SEC. 2. All judicial proceedings now pending in, and all writs and recognizances returnable to the district court in the county of Chippewa from the said county of Swift, shall be deemed and construed to be pending in and returnable to the district court, in Kandiyohi county.

All proceedings
returnable to
Kandiyohi
county.

SEC. 3. All acts and parts of acts inconsistent with this act are hereby impealed [repealed].

Repeal of incon-
sistent acts.

SEC. 4. This act shall take effect and be in force from and after its passage.

When act to take
effect.

Approved March 4, 1874.

CHAPTER XCIV.

AN ACT TO AMEND SECTION ONE OF CHAPTER SEVENTY-FIVE OF THE GENERAL LAWS OF EIGHTEEN HUNDRED AND SEVENTY-THREE, FIXING TIME FOR THE GENERAL TERMS OF THE DISTRICT COURT FOR THE JUDICIAL DISTRICT.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section one of chapter seventy five of the general laws of the year one thousand eight hundred and seventy-three be amended so as to read as follows:

Sec. 1. General terms of the district court in the fourth judicial district shall be held each year as follows: In the county of Hennepin, on the third Tuesday in May and the third Tuesday in November; in the county of Wright, on the first Tuesday in March and the second Tuesday in October; in the county of Meeker, on the third Tuesday in March and the third Tuesday in October; in the county of Kandiyohi, on the fourth Tuesday in March and the third Tuesday in September; in the county of Anoka, on the second Tuesday in January and the third Tuesday in June; in the county of Isanti, on the first Tuesday in October.

Fixing terms of
court in the
fourth judicial
district.

1877-221

Approved March 9, 1874.

CHAPTER XCV.

AN ACT TO CHANGE THE TIME OF HOLDING GENERAL TERMS OF THE DISTRICT COURT IN THE COUNTY OF MOWER, TENTH JUDICIAL DISTRICT.

Be it enacted by the Legislature of the State of Minnesota:

Term of court
fixed in Mower
county.
1876-77

All proceedings
returnable to
said term.

SECTION 1. The general terms of the district court in and for the county of Mower, tenth judicial district, shall be held on the first Tuesday in March, and the third Tuesday in September.

SEC. 2. All writs, recognizances and all other papers and proceedings made returnable to the district court of said county, shall be considered and be deemed to be returnable to the terms of said court as fixed by this act, and all continuances, appeals and motions, notices or other proceedings taken or made to or for any term of said court, shall be considered and construed to be made or taken to the terms of said court as fixed by this act.

Repeal of incon-
sistent acts.

SEC. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

When act to take
effect.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 5, 1874.

CHAPTER XCVI.

AN ACT TO AMEND SECTION ONE OF CHAPTER FORTY-SEVEN OF THE GENERAL LAWS OF MINNESOTA FOR EIGHTEEN HUNDRED AND SEVENTY-TWO, CHANGING THE TERM OF DISTRICT COURT OF THE COUNTY OF BENTON.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section one of chapter forty-seven

of the general laws of Minnesota for 1872 be amended by striking out the word "last" in that part of said section relating to the term of district court in Benton county, and substituting the word "second" in lieu thereof. Term of court fixed in Benton county.

SEC. 2. This act shall take effect and be in force from and after its passage. When act to take effect.

Approved February 28, 1874.

CHAPTER XCVII.

AN ACT TO CHANGE THE TIME OF HOLDING THE SEVERAL TERMS OF THE DISTRICT COURT IN AND FOR THE COUNTY OF WASECA, IN THE FIFTH JUDICIAL DISTRICT.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The general terms of the district court in and for the county of Waseca, in the fifth judicial district, shall be held on the third Tuesday in March, and the third Tuesday in October in each year. Term of court fixed in Waseca county.

SEC. 2. All writs, recognizances and all other proceedings made returnable to the district court of said county, shall be considered and deemed to be returnable at the terms of said court as fixed by this act, and all continuances, appeals, motions, notices and all other proceedings, taken or made to or for any term of said court, shall be considered and construed to be made or taken to the terms of said court, as fixed by this act. All proceedings returnable to said term.

SEC. 3. All acts and parts of acts inconsistent with this act are hereby repealed. Repeal of inconsistent acts.

SEC. 4. This act shall take effect and be in force on and after its passage. When act to take effect

Approved January 19, 1874.

CHAPTER XCVIII.

AN ACT TO ABOLISH THE JUNE TERM OF THE DISTRICT COURT IN McLEOD COUNTY.

*Be it enacted by the Legislature of the State of Minnesota:*Term of court
fixed in McLeod
county.

1875-1876

All proceedings
returnable to
term.When act to take
effect.

SECTION 1. That there shall be but one general term of the district court in each year held in and for the county of McLeod, which general term of said court shall be on the third Monday in December in each year.

SEC. 2. All writs, process, bonds, continuances, appeals, notices, proceedings and recognizances issued, made or returnable to the terms of court in and for said county as fixed by law prior to the passage of this act, shall be deemed and construed as made, taken and returnable to the term of court therein as fixed by this act.

SEC. 3. This act shall take effect and be in force from and after the first day of July, A. D. 1874.

Approved March 9, 1874.

CHAPTER XCIX.

AN ACT TO ESTABLISH THE COUNTY OF SEWARD AND PROVIDE FOR THE LOCATION OF THE COUNTY SEAT AND ESTABLISH THE BOUNDARY LINES THEREOF.

*Be it enacted by the Legislature of the State of Minnesota:*Limits to Seward
county.

SECTION 1. That all of township No. one hundred and thirteen, one hundred and fourteen and one hundred and fifteen, ranges forty-four, forty-five and forty-six west, and townships one hundred and sixteen and one hundred and seventeen, ranges forty-five and forty-six west fifth principal meridian, be and the same hereby is established as the county of Seward, by which name it shall be described and known.

SEC. 2. There shall be elected at the next general election after the passage of this act, by the qualified electors residing within the territory described in section one of this act, three persons who shall be qualified electors residents within said territory, who shall constitute the first board of county commissioners of said county. The term of office of such board of commissioners shall commence on the first day of January, A. D. 1875, and continue for the period of one year, and until their successors are elected and qualified under the general laws of the state.

Election of county commissioners.

SEC. 3. Such board of county commissioners shall be subject to the liabilities and duties imposed and have power and authority conferred upon county commissioners by the general laws of this state, and shall, within six months from the commencement of their term of office, by resolution concurred in by any two of them, locate the county seat of said county; and when any place shall be so designated within such county as the county seat thereof, the same shall remain the county seat of said county until changed by law.

Duty of commissioners.

SEC. 4. At the time before the general election after the passage of this act for giving notice of such election fixed by law, notice shall be given of the submission of changes proposed by this act to the electors of Lac qui Parle, Yellow Medicine and Lincoln counties for ratification, by the same officers and in the same manner as notices of general elections are required by law to be given, at such elections fixed. All electors favoring the change proposed by this act, shall cast ballots on which shall be written or printed or partly written and partly printed the words: for change of boundary lines ——— county (as the case may be) in favor of Seward county, and those electors opposed shall cast ballots on which shall be written or printed or partly written and partly printed the words: against change of boundary lines of ——— county in favor of Seward county.

Notice of vote upon this act at general election.

SEC. 5. All votes cast in pursuance of this act shall be canvassed and returned in the same manner as votes for county officers and the abstract thereof shall be made on one sheet in every county voting thereon and signed and certified in the same manner as in the case of the abstract of votes for county officers and it shall be deposited in the county auditor's office immediately thereafter and a certified copy thereof immediately forwarded

How votes canvassed.

by the county auditors of each county to the secretary of state, and if it shall appear that this act has been approved by a majority of the electors of each and every county voting thereon at said election the governor shall make proclamation to that effect forthwith, in such manner as he shall deem advisable.

Declared organized county.

SEC. 6. The county of Seward is hereby declared as organized county and attached to the county of Redwood for judicial purposes.

Repeal of inconsistent acts.

SEC. 7. All acts and parts of acts inconsistent with this act are hereby repealed.

When act to take effect. j

SEC. 8. This act shall take effect and be in force from and after its ratification by a majority of the electors in each and every county voting thereon as hereinbefore provided, except such parts as require the election of county commissioners for said proposed county and provide for submitting the changes proposed by this act to the electors of the counties of Lac qui Parle, Lincoln and Yellow Medicine, which said part of this act shall take effect from and after its passage.

Approved March 9, 1874.

CHAPTER C.

AN ACT TO ESTABLISH THE COUNTY OF COOK AND PROVIDE FOR ITS ORGANIZATION.

Be it enacted by the Legislature of the State of Minnesota:

Limits of Cook county.

SECTION 1. That all that portion of the territory of the present county of Lake, state of Minnesota, bounded and described as follows: Beginning at a point on the north shore of Lake Superior, on the range line between ranges five (5) and six (6) west, of the fourth principal meridian, thence north on said range line to the boundary line between the United States and the British Possessions, thence easterly on said boundary line to the boundary line between the states of Minnesota and Michigan, thence southerly on said state boundary line to the boundary line between the states of Minnesota and Wis-

consin, thence westwardly on said state boundary line to a point where a scutherly prolongation of the range line first mentioned would intersect the state boundary line, thence north to the place of beginning be and the same hereby is established as the county of Cook.

SEC. 2. At the time of giving notice of the next general election to be hold in the year A.D. one thousand eight hundred and seventy-four it shall be the duty of the officers of each voting precinct in the county of Lake required to give notice of such election, to, in the same manner, and at the same time, give notice that at such elections the provisions of this act will be submitted to the electors of said county of Lake for their approval or disapproval.

Notice of vote upon this act general election.

SEC. 3. At said election each voter of said county in favor of establishing the county proposed in this act shall have plainly printed or written or partly written and partly printed on their ballots "For establishing the county of Cook," and those opposed to the establishing the proposed county shall have plainly written or printed or partly written and printed the words "Against establishing the county of Cook."

Ballots, how prepared.

SEC. 4. Such votes shall be received and canvassed at the same time and in the same manner, and returns thereof made to the same officers by the judges of election precincts in said county as ballots for county officers are required to be canvassed and returned.

Receiving and canvassing of the votes by precinct judges.

SEC. 5. The county canvassing board of the county of Lake shall canvass the returns upon the said propositions in the same manner and the same time as returns for county officers are required by law to be canvassed and the abstract thereof shall be made on one sheet signed and certified to in the same manner as in the case of abstract of votes for county officers, and it shall be deposited in the county auditor's office immediately thereafter, and a copy thereof duly certified by the county auditor, immediately enclosed and forwarded by him to the secretary of state, as provided by section twenty one of chapter one of the general statutes, and if it appears that this act has been approved by a majority of the electors of said county voting at said election, the governor shall make proclamation to that effect forthwith in such manner as he shall deem advisable.

Canvass of the returns by county canvassing board.

SEC. 6. This act shall not be deemed nor construed to affect in any manner the collection of any tax upon any property within the territory of the new county of Cook,

Act does not affect taxes levied previous to its adoption.

levied and uncollected previous to the time when this act shall take effect; but all such taxes shall be collected and payment thereof enforced by the officers of the county of Lake, in the same manner and with the same effect as if said territory had remained and continued a part of the county of Lake, and any and all moneys then remaining in or afterwards coming into the treasury of the said county of Lake, [or] into the possession of any officer of the said county, belonging to or payable to any town or school or road district, hereby made a part of said new county of Cook, shall be apportioned and paid over to such town or district in the same manner as they would have been, had such town or district remained within the said county of Lake.

Governor to appoint commissioners.

SEC. 7. In case the said county shall be established as herein provided, the governor shall appoint three qualified electors of the said county of Cook, as commissioners of said county, and the said commissioners shall, within thirty days thereafter, qualify and enter upon the duties of their offices, and they shall hold their offices until the next general election, and until their successors have been elected and qualified.

Duty of the commissioners.

SEC. 8. The county commissioners appointed and qualified according to the provisions of this act, shall at their first meeting, or at some subsequent meeting previous to the next general election, proceed to locate the county seat of the said county of Cook, and appoint qualified persons to fill all the county officers [offices] in said county; which persons so appointed, and having qualified, shall hold their offices until the next general election. And said commissioners shall appoint two justices of the peace, and two constables, which persons so appointed, and having qualified, shall hold their offices until the next annual town meeting.

Duty of the register of deeds.

SEC. 9. It shall be the duty of the register of deeds appointed as in this act provided or his successors in office to transcribe into the records of his office, as soon as may be, all the records of all the property included in the said new county of Cook, from the records of the county of Lake, and he shall receive for the said work from the county treasury of said new county, not to exceed six cents per folio, and said records so made shall be the legal records of all the real estate in said new county and have the same effect as though the original instrument had been recorded in said office; *Provided,*

That until the proper books of record are provided for by said new county of Cook, all instruments relating to the title of real estate situated in said county may be recorded in the office of register of deeds in and for the county of Lake and such recording shall be of full force and validity.

SEC. 10. Upon reasonable request and the payment of one dollar, the county auditor of the county of Lake shall deliver to any person demanding the same a certified copy of the abstract of votes filed in his office as prescribed in section five of this act. When to deliver up certified copy of abstract of votes.

SEC. 11. The county of Cook is hereby attached to the county of St. Louis for judicial purposes. Attached for judicial purposes.

SEC. 12. No neglect nor informality in posting or giving notices as required in section two of this act, shall in any way affect the full force and validity of the vote by this act provided for. No informality to vitiate.

SEC. 13. This act shall be of full force and take effect from and after its passage. When act to take effect.

Approved March 9, 1874.

CHAPTER CI.

AN ACT TO DETACH CERTAIN TERRITORY IN DAKOTA COUNTY, AND ANNEX THE SAME TO THE COUNTY OF RAMSEY.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That all of that part of Dakota county lying north of the south boundary line of sections seven and eight and nine of township number twenty-eight, range twenty-two west and section twelve of township twenty-eight, range twenty-three west, are hereby detached from the county of Dakota and attached to the county of Ramsey, for all purposes whatsoever. The south west quarter of the south-east quarter of section seven, town twenty-eight, range twenty-two west, is excepted from the provisions of this act, and shall remain a part and portion of Dakota county. Territory detached.

SEC. 2 That the boundaries and limits of the city of

Limits of city of
St. Paul extended.

And its jurisdic-
tion.

With certain
provisions.

St. Paul shall be enlarged so as to comprise, in addition to the territory therein included, the following described district of country, viz.: All that portion of section number twelve, township number twenty-eight, range twenty three west, south-easterly of the centre of the Mississippi river; all of sections four, five, six, seven and nine of township number twenty-eight, range twenty-two, southerly of the centre of the Mississippi river, and all of section number eight of township number twenty-eight, range twenty-two west; which said territory shall constitute and be denominated the sixth ward of said city, and shall be entitled to representatives in the common council and board of education, as now provided by law in the other wards of said city. All the afore-described enlarged territory of said city of St. Paul shall be within and subject to the jurisdiction of the city of St. Paul; and the said municipal corporation, and the charter thereof, and the acts of the Legislature amendatory thereof, or supplementary to the same, or in any way applicable to said city, now or hereafter ordained and established, shall embrace, extend and apply to the said enlarged territory of the city of St. Paul, and every part thereof, and the inhabitants now or hereafter inhabiting said enlarged territory and every part thereof, to the same extent and with like force and effect as the same may or could apply to the said city of St. Paul, and to any part of the territory of the said city of St. Paul contained within the limits of said city as they existed immediately prior to the passage of this act. *Provided*, That no assessment or levy of any tax shall be made upon any part of the property, real or personal, embraced within the enlarged limits of the city as extended by this act, for the payment of any portion of the interest and principal of the existing indebtedness of said city, funded or otherwise. *Provided further*, That all taxes now assessed, or to be assessed before the ratification of this act by the voters of Ramsey and Dakota counties, shall be collected and paid over as now provided by law, to Dakota county. *Provided further*, That a pro rata proportion of taxes for payment of the present indebtedness of Dakota county shall be charged according to the present assessed valuation, upon the property hereby provided to be detached from Dakota county, and shall be assessed upon the property so detached from Dakota county, and collected by Ramsey county as

other taxes, and shall be promptly paid by Ramsey county to the treasurer of Dakota county.

SEC. 3. At any time after the passage of this act, and at least four months before the next general election, the city council of the city of Saint Paul shall by an ordinance or resolution enact that from and after the first day of January, eighteen hundred and seventy-five, the bridge across the Mississippi river at Wabasha street is declared to be a free bridge, and after that date no sums of money shall be charged by the city of Saint Paul as tolls for the crossing of said bridge by persons or property. *Bridge to be made free.* *Provided,* That said ordinance or resolution shall not take effect unless the electors of Dakota and Ramsey counties shall vote to attach said territory of Dakota county to Ramsey county as in this act provided.

SEC. 4. At the time of giving notice of the next general election, it shall be the duties of the officers in the counties of Dakota and Ramsey, required by law, to give notice in like manner that at said election the question will be submitted to the electors of said counties whether this law shall be adopted, but no failure or irregularity in such notice shall in any way vitiate the vote on such question. *Question submitted to vote.*

SEC. 5. At said election the electors of said counties in favor of the adoption of this law shall have distinctly written or printed or partly written and partly printed on their ballots, "For change of county line;" those opposed to such adoption the words, "Against change of county line." Such votes shall be received and canvassed at the same time, in the same manner and returned to the same officers by the judges of election as votes for county officers. *Form of ballot.*

SEC. 6. The county canvassing board of each of said counties to whom the returns of election are made, shall canvass the returns upon said question in the same manner and at the same time as returns for county officers, and the abstracts thereof shall be made out on one sheet, and signed and certified in the same manner as in the case of abstract votes for said officers, and shall be deposited in the county auditor's office immediately thereafter, and a copy thereof duly certified by the said auditor, forwarded by him to the secretary of state, and the governor shall thereupon forthwith, if this law is adopted, make proclamation to that effect in such manner as he shall deem advisable. *Canvass and return of votes.*

Repeal of inconsistent acts.

SEC. 7. All acts and parts of acts inconsistent with this act are hereby repealed.

When act to take effect.

SEC. 8. Sections, one, two and three of this act shall take effect and be in force from and after its ratification as aforesaid, and the other sections of this act shall take effect and be in force from after its passage.

Approved March 9, 1874.

CHAPTER CII.

AN ACT TO ESTABLISH THE COUNTY LINE BETWEEN THE COUNTIES OF STEARNS AND TODD IN THE STATE OF MINNESOTA.

Be it enacted by the Legislature of the State of Minnesota:

Boundary lines.

SECTION 1. That the boundary line between the counties of Stearns and Todd in this state is hereby established and designated as follows: Commencing at the southwest corner of section number thirty, township number one hundred and twenty-seven, n of range number thirty-five, west of the fifth principal meridian, thence due east on the section line running east and west to the southeast corner of section number twenty-five, township number one hundred and twenty-seven, n of range number thirty-two west of the meridian aforesaid; and the boundary line between the said counties of Stearns and Todd is hereby declared to be so [as] designated in this section.

To be submitted to legal voters of said counties.

SEC. 2. It shall be the duty of each and every town clerk in the several townships of each of said counties at the time of giving notice of the next general election to be held for the year A. D. eighteen hundred and seventy-four to insert in such notice that the question of establishing the boundary line between the said counties will be submitted to the legal electors of said counties at said election for their rejection or approval and the said question is hereby declared to be submitted to said legal electors as aforesaid for their rejection or approval at said election; *Provided*, That if any town clerk fails to give the notice as required by this act it shall not in any manner invalidate the vote which may be taken upon said question.

SEC. 3. Each elector in each of the said counties who shall vote for the approval of the provisions of the first section of this act at said election shall have written or Form of ballot. printed or partly written and partly printed upon their ballots the words "for county line," and those voting at said election who shall vote against the approval of said first section shall have written or printed or partly written and partly printed upon their ballots the words "against county line," and the said ballots shall be canvassed and returned by the same officers and in the same manner and at the same time as are now by law required to canvass and return votes for county officers and each of the auditors of the counties of Stearns and Todd are hereby required to forward to the secretary of state within ten days after the canvass of the votes for or against said county line a certified copy of the canvass so made, and if it appears from the returns so made that the provisions of the first section of this act has been ratified by a majority of the electors of each of said counties voting upon said question, then and in that case the governor of this state shall make proclamation thereof in due form of law declaring that the provisions of the first section of this act has been ratified as aforesaid and that the same is operative and of effect. •

SEC. 4. All acts and parts of acts inconsistent with the provisions of this act are hereby declared to be re- Repeal of inconsistent acts. pealed immediately after the ratification of the provisions of the first section of this act.

SEC. 5. This act shall take effect and be in force from and after its passage except as to the provisions of section one of this act which shall take effect and be in force When act to take effect. from and after its approval by the legal electors of the counties of Todd and Stearns in this state.

Approved March 9, 1874.

CHAPTER CIII.

AN ACT TO APPROPRIATE MONEYS TO PAY THE EXPENSES OF THE DEFENDANTS IN ERROR INCURRED, OR WHICH MAY BE INCURRED, IN DEFENDING IN THE SUPREME COURT OF THE UNITED STATES, THE CASE OF THE WINONA AND ST. PETER RAILROAD COMPANY, PLAINTIFFS IN ERROR, AGAINST JOHN D. BLAKE, ALFRED D. LEET, AND STEPHEN V. CROUCH, DEFENDANTS IN ERROR NOW PENDING IN THAT COURT UPON WRIT OF ERROR TO THE SUPREME COURT OF THIS STATE.

Preamble.

WHEREAS, No substantial pecuniary interests are directly involved in said suit, but the same has been commenced and prosecuted through all the courts of this state by the defendants in error therein, solely for the purpose of testing the constitutionality of chapter twenty-four, general laws, eighteen hundred and seventy-one, of this state, entitled "an act to regulate the carrying of freight and passengers on all railroads of this state," and,

WHEREAS, All the questions involved in said suit directly affect the interests of this state, and of all its citizens, and a decision of such questions adversely to the defendants in error therein would inflict serious detriment to this state, and to all its citizens.

Be it enacted by the Legislature of the State of Minnesota:

Appropriation
to defray expenses
of defending
suit in U.S. court

SECTION 1. There is hereby appropriated out of any moneys in the public treasury of this state, not otherwise appropriated, the sum of three thousand dollars, or so much thereof as may be necessary to defray the expenses of the defendants in error, incurred, or which may be incurred, in defending in the supreme court of the United States, the case of the Winona and St. Peter Railroad Company, plaintiff in error, against John D. Blake, Alfred D. Leet and Stephen V. Crouch, defendants in error, now pending in that court upon writ of error to the supreme court of this state.

SEC. 2. The moneys hereby appropriated shall be paid to the said defendants in error, or to their counsel

in said suit, from time to time, as the same may be needed for the purposes aforesaid upon the order of the governor, which shall be granted upon it being made to appear to such officer that the amount applied for is necessary for such purposes.

*How money to
be applied.*

SEC. 3. This act shall take effect and be in force from and after its passage.

*When act to take
effect.*

Approved February 24, 1874.

CHAPTER CIV.

AN ACT TO APPROPRIATE MONEY FOR THE PURPOSE OF VENTILATING THE SENATE CHAMBER AND THE HALL OF THE HOUSE OF REPRESENTATIVES, AND FOR RENT OF GOVERNOR'S HOUSE.

Be it enacted by the Legislature, of the State of Minnesota:

SECTION 1. That the sum of fifteen hundred dollars, or so much of it as may be necessary, be and is hereby appropriated to be expended by direction of the governor for the purpose of constructing for open [proper] ventilating apparatus for the senate chamber and hall of the house of representatives.

*Appropriation
for ventilating
capitol.*

SEC. 2. That the sum of eight hundred dollars is hereby appropriated for rent of governor's house.

*For rent of gov-
ernor's house.*

SEC. 3. This act shall take effect and be in force from and after its passage.

*When act to take
effect.*

Approved March 6, 1874.

CHAPTER CV.

AN ACT TO AID THE DESTITUTE SETTLERS UPON THE FRONTIER, AND TO APPROPRIATE MONEYS THEREFOR.

Be it enacted by the Legislature of the State of Minnesota:

Appropriation
for relief of des-
titute on frontier

SECTION 1. That the sum of five thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any fund [funds] in the state treasury not otherwise appropriated, for the relief of the destitute inhabitants and settlers upon the frontier.

How expended.

SEC. 2. That the sum above appropriated shall be expended and disbursed under the supervision and direction of the governor and at his discretion.

When act to take
effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved Jan. 31, 1874.

CHAPTER CVI.

AN ACT TO APPROPRIATE MONEY REQUIRED BY LAW TO
BE INVESTED IN INTEREST BEARING BONDS.

Be it enacted by the Legislature of the State of Minnesota:

Investment of
funds received
into the state
treasury.

SECTION 1. There is hereby annually appropriated all moneys received into the state treasury to the credit of the permanent school fund, permanent university fund, internal improvement land fund, sinking fund, inebriate asylum fund, or other funds required to be invested in securities, to be invested in interest bearing bonds, of the United States or of the state of Minnesota issued since the year eighteen hundred and sixty, or of the bonds bearing not less than six per cent. interest of the states of Massachusetts, New York, Pennsylvania, Ohio, Indiana, Illinois, Wisconsin, Michigan, Missouri and Iowa, and the state auditor is hereby authorized to draw warrants on the treasurer [treasury] therefor.

When act to take
effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER CVII.

AN ACT FOR THE RELIEF OF SETTLERS ON LANDS CLAIMED BY THE NORTHERN PACIFIC RAILROAD, WITHIN THIS STATE.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. It is hereby made the duty of the governor of this state to take such action as may be necessary, or he may deem advisable, to determine and protect the rights and property of settlers in and to lands within this state, claimed adversely by the Northern Pacific Railroad Company under its charter and the grant of public lands therein contained, and in respect to which the secretary of the interior has rendered a decision sustaining the claim of said railway company. And to that end, the governor is hereby authorized to aid and advise such settlers in instituting and conducting to a final determination all necessary proceedings at law, or otherwise; and for that purpose, to employ on behalf of the state such council or attorneys as may be advisable to assist the attorney general of the state.

Relating to relief of settlers on certain lands.

SEC. 2. There is hereby appropriated out of moneys in the state treasury, not otherwise appropriated, the sum of two thousand five hundred dollars, for the purposes specified and contemplated in section one of this act.

Amount of appropriation.

SEC. 3. This act shall take effect and be in force from and after its passage.

When act to take effect,

Approved Feb. 20, 1874.

CHAPTER CVIII.

AN ACT TO AID DESTITUTE SETTLERS UPON THE FRONTIER AND TO APPROPRIATE MONEYS THEREFOR.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the sum of twenty-five thousand dollars, or so much thereof as may be necessary is hereby appropriated out of any moneys in the state treasury belonging to the general revenue fund not otherwise appropriated for the relief of the destitute settlers in the frontier counties of this state for the purchase of seed grain.

Appropriation
for relief of des-
titute.

Limitation.

SEC. 2. Provided no more than 35 dollars shall be paid to any one family.

Distributing
officer.

SEC. 3. The governor of this state shall have, and is hereby invested, with the full care, management and disbursement of said sum, and may make all necessary regulations respecting the same.

When act to take
effect.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 2, 1874.

CHAPTER CIX.

AN ACT TO PROVIDE FOR THE RECEPTION AND DISPOSITION OF THE QUOTA OF, AND DISPOSITION OF THE QUOTA OF FISH AND SPAWN ALLOTTED TO THIS STATE BY THE UNITED STATES.

Be it enacted by the Legislature of the State of Minnesota:

Governor to ap-
point commis-
sioners of fish-
eries.

SECTION 1. That the governor shall appoint, immediately after the passage of this act, three commissioners of fisheries, who shall serve without compensation.

Duty of commis-
sioners.

SEC. 2. It shall be the duty of said commissioners to apply to and receive from the United States commissioner of fisheries such quota of stock, spawn, or fry, as may be allotted from time to time to this state, and to plant such spawn or fry in such lakes and streams in the state as shall in their judgment best serve to stock the various lakes and streams of the state; and to make such investigations and enquiries on the subject of fish culture, as they may deem best, and report recommendations for

legislative action that will best promote the useful cultivation and growth of fish within the state, on or before the third day of the next session of the legislature.

SEC. 3. A sum of five hundred dollars is hereby appropriated for the necessary expenses of said commissioners in carrying this act into effect, which the state treasurer shall pay to them on the warrant of the auditor from time to time, as their vouchers for such expenses shall be exhibited and approved, *Provided*, No greater expenditure shall be made or liability incurred against the state than the amount herein appropriated.

Amount and disposition of appropriation.

SEC. 4. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved March 5, 1874.

CHAPTER CX.

AN ACT TO PROVIDE FOR THE PURCHASE OF FOUR THOUSAND COPIES OF BOOTH'S TOWNSHIP ORGANIZATION LAWS FOR THE USE OF THE TOWNS OF THIS STATE.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the secretary of state is hereby authorized and required to purchase four thousand copies of Booth's Township Laws of this state, and distribute the same equally among all the counties of this state, according to the number of organized towns in each county respectively. *Provided*, said laws include the laws as amended and in force up to and including the present session. *And provided further*, That said laws shall not cost more than thirty cents for each copy.

Authorized to purchase Booth's Township Laws.

SEC. 2. The sum of twelve hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated; the same being to purchase the laws herein provided for in this act.

Amount of appropriation.

SEC. 3. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved March 5, 1874.

CHAPTER CXI.

AN ACT TO AMEND SECTION EIGHTY, TITLE ELEVEN, OF CHAPTER SIX OF THE STATUTES AT LARGE OF THE STATE OF MINNESOTA, PERTAINING TO THE SALARIES OF STATE OFFICERS.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section eighty, title eleven, chapter six, of the statutes at large of the state of Minnesota, is hereby amended so as to read as follows :

Salaries of executive officers.

Sec. 80. Salaries of executive officers : The salary of the governor is three thousand dollars per annum.

The salary of the secretary of state is fifteen hundred dollars per annum, and in addition thereto, he shall receive the sum of three hundred dollars per annum for superintending the public printing.

The salary of the state auditor is fifteen hundred dollars per annum.

The salary of the state treasurer is three thousand five hundred dollars per annum.

The salary of the state land commissioner is one thousand dollars per annum.

The salary of the adjutant general is fifteen hundred dollars per annum ; and in addition thereto such sum or sums of money as may be by him necessarily expended in the care and management of the arms and other military equipments belonging to the state.

The salary of the attorney general is fifteen hundred dollars per annum ; and in addition thereto he shall receive, as per diem compensation for attendance upon courts, ten dollars for each and every day of such actual and necessary attendance, and in going to and returning from such courts, mileage at the rate of ten cents per mile, to be computed from the capitol.

The state librarian shall receive a salary of twelve hundred dollars per annum.

When to begin.

SEC. 2. The salaries provided for in the foregoing section, shall begin January 1st, 1874.

SEC. 3. This act shall take effect be in force from and When act to take effect.
after its passage.

Approved March 5, 1874.

CHAPTER CXII.

AN ACT APPROPRIATING MONEYS FOR THE LEGISLATIVE EXPENSES OF THE PRESENT SESSION OF THE STATE OF MINNESOTA.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the sum of sixty-five thousand dol- Appropriation
for legislative
expenses.
lars, or so much thereof as may be necessary, be appro-
priated for the payment of salary, mileage and other
expenses of the members and officers of the legislature
during the present session.

Approved January 16, 1874.

CHAPTER CXIII.

AN ACT TO APPROPRIATE MONEY FOR THE GENERAL EX- PENSES OF THE STATE GOVERNMENT FOR THE YEAR EIGHTEEN HUNDRED AND SEVENTY-FOUR.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the following sums of money, or so
much thereof as may be necessary, be and the same are
hereby appropriated out of any money in the state treas- Appropriation
for general ex-
penses.
ury belonging to the general revenue fund not otherwise
appropriated for the general expenses of the state gov-
ernment for the year eighteen hundred and seventy-four,
viz.:

1st.—For executive contingent fund for state purposes

and for incidental expenses of the governor's office three thousand dollars (\$3,000).

2d.—For incidental expenses of the secretary's office, four hundred dollars (\$400).

3d.—For incidental expenses of the state auditor's office, five hundred dollars (\$500).

4th.—For incidental expenses of the state treasurer's office, four hundred dollars (\$400).

5th.—For incidental expenses and mileage and per diem of the attorney general as allowed by law, one thousand dollars (\$1,000).

6th.—For incidental expenses of the superintendent of public instruction, five hundred dollars (\$500).

7th.—For incidental expenses and clerk hire of the railroad commissioners, one thousand dollars (\$1,000).

8th.—For incidental expenses of the adjutant general, three hundred dollars (\$300).

9th.—For incidental expenses of the state library, four hundred dollars (\$400).

10th.—For incidental expenses of the supreme court, five hundred dollars (\$500).

11th.—For two hundred copies of volume twenty supreme court reports twelve hundred dollars (\$1200).

12th.—For purchase of law books for state library under direction of the judges of the supreme court, two thousand dollars (\$2,000).

13th.—For printing, advertising and binding for the various state offices and departments, twenty-one thousand nine hundred dollars (\$21,900).

14th.—For purchase of paper necessary for public printing, six thousand dollars (\$6,000).

15th.—For current expenses of state's prison for the year eighteen hundred and seventy-four, thirty-eight thousand dollars (\$38,000).

16th.—For preparing for publication and indexing the general and special laws, two hundred dollars (\$200).

17th.—For payment of interest on state loans, thirty-five thousand dollars (\$35,000).

18th.—For selecting, examining and appraising and selling state lands, three thousand five hundred dollars (\$3,500).

19th.—For carrying convicts to prison and returning absconding criminals, three thousand dollars (\$3,000).

20th.—For repairing and furnishing state capitol, three thousand dollars (\$3,000).

Appropriation
for general ex-
penses.

21st.—For fuel and lights, water, ice, etc., for capitol, three thousand five hundred dollars (\$3,500).

22d.—For support of the Minnesota Historical Society, two thousand five hundred dollars (\$2,500).

23d.—For mileage of county treasurer and express charges in the conveyance of state funds, five hundred dollars (\$500).

24th.—For rent of state arsenal, five hundred and twenty-five dollars (\$525).

25th.—For selecting, examining, appraising, selling university lands, twenty-five hundred dollars (\$2,500).

26th.—For bricking sewer from basement of capitol to Wabasha street, one thousand dollars (\$1,000).

27th.—For building vault and fitting old library room for use of secretary of state, one thousand dollars (1,000), and two hundred dollars in addition to make fire proof vault in room of historical society.

28th.—For fitting up supreme court and library rooms, eight hundred dollars (\$800).

29th.—For painting capitol building, five hundred dollars (\$500).

Appropriation
for general ex-
penses.

30th.—For expenses of commissioners to Wadena to investigate and settle Indian difficulties there, two hundred and eighty-seven 70-100 dollars (\$387 70-100).

31st.—For heating and furnishing the university of Minnesota, twenty-nine thousand three hundred and fifty dollars (\$29,350).

32d.—For expenses of the state board of health, fifteen hundred dollars (\$1,500).

33d.—To A. C. Macey, for services in governor's office from December first, eighteen hundred and seventy-three to January ninth, eighteen hundred and seventy-four, at \$100 per month, one hundred and thirty dollars (\$130).

34th.—To Sherwood Hough, for administering oaths and giving official certificates in pension and bounty cases prosecuted by the claim agent, thirty-four dollars (\$34).

35th.—To John C. Shaw, for eighty-seven affidavits made before him by applicants for pension and bounty, during the year eighteen hundred and seventy-three, twenty-two dollars (\$22).

36th.—To Amos Coggsell, for services as attorney in the case of the Minnesota Railroad Company against the county treasurer and auditor of Steele county, two hundred and fifty dollars (\$250).

37th.—To A. D. Ferris, for use of ferry across the Minnesota river at Faxon, and for attending the same, August nineteenth, twentieth, twenty-first and twenty-second, eighteen hundred and sixty-two, one hundred dollars (\$100).

38th.—For stationery for use of members and the and officers of the senate, five hundred dollars, (\$500).

39th.—For expenses of committee of the senate and house of representatives in visiting the insane asylum, seventy-eight dollars (\$78).

Appropriation
for general ex-
penses.

40th.—For expenses of committee of the senate and house of representatives in visiting the state's prison, thirty-five dollars (\$35).

41st.—For expenses of the committee on elevators, thirty-eight 75-100 dollars (\$38.75).

42d.—To Stees Bros., for furnishing the committee rooms in the capitol, three hundred and twenty-four 70-100 dollars (\$24.70).

43d.—To Theodore Rank, for frescoing senate and house of representative rooms, and for kalsomining six committee rooms, two hundred and sixty dollars (\$260).

44th.—For publishing the laws in the various newspapers in the state, six thousand dollars (\$6,000).

45th.—For expenses of Cass county investigating committee, six hundred and thirty-eight dollars (\$638).

46th.—To John Mathias, for material for furnishing six committee rooms, five hundred and thirty-eight 26-100 dollars (\$38.26).

47th.—For the purchase of stationery for use of the legislature and state officers, two thousand dollars (\$2,000).

Approved March 6, 1874.

CHAPTER CXIV.

AN ACT TO APPROPRIATE MONEY FOR THE PAYMENT OF THE SALARIES OF THE OFFICERS OF THE STATE GOVERNMENT.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the following sums of money or so much thereof as may be necessary be and the same are hereby annually appropriated out of any moneys in treasury belonging to the general revenue fund, for the payment of the salaries of the officers of the state government.

1st.—For salary of the governor, three thousand dollars (\$3,000).

2d.—For salary of secretary of state and superintendent of public printing, eighteen hundred (\$1800) dollars.

3d.—For salary of the state auditor and land commissioner two thousand five hundred dollars (\$2,500).

4th.—For salary of the state treasurer, three thousand five hundred dollars (\$3,500).

5th.—For the salary of the attorney general, one thousand five hundred dollars (\$1,500).

Appropriation
for salaries of
state officers.

6th.—For salary of the adjutant general, fifteen hundred dollars (\$1500).

7th.—For salary of the superintendent of public instruction, twenty-five hundred dollars (\$2500).

8th.—For salary of the railroad commissioner three thousand dollars (\$3,000).

9th.—For salary of the insurance commissioner two thousand dollars (\$2,000).

10th.—For salary of the librarian, twelve hundred dollars (\$1200).

11th.—For salary of the janitor, one thousand dollars (\$1,000.)

12th.—For salaries of the engineers, night watchman, and fireman, eighteen hundred dollars (\$1800).

13th.—For salary of the military storekeeper, four hundred dollars (\$400).

14th.—For salary of the governor's private secretary, fifteen hundred dollars (\$1500).

15th.—For salary of the assistant secretary of state, one thousand dollars (\$1,000).

16th.—For salary of the statistician, one thousand dollars (\$1,000).

17th.—For salary of the chief clerk of state auditor, fifteen hundred dollars (\$1500).

18th.—For salary of the land clerk, twelve hundred dollars (\$1200).

19th.—For salary of additional clerks in the state auditor's office, one thousand dollars (\$1,000).

Appropriation
for salaries of
state officers.

20th.—For salary of the deputy treasurer, fifteen hundred dollars (\$1500).

21st.—For salary of the clerk of the superintendent of public instruction, twelve hundred dollars (\$1200).

22d.—For salary of the clerk of the attorney general, two hundred dollars (\$200).

23d.—For salaries of the judges of the supreme, district and common please courts, thirty-nine thousand dollars (\$39,000).

24th.—For salary of the clerk of the supreme court, fifteen hundred dollars (\$1500).

25th.—For salary of the reporter of the supreme court six hundred dollars (\$600).

26th.—For salary of the marshal of the supreme court, two hundred dollars (\$200).

27th.—For salary of the assistant janitor, three hundred and eighty dollars (\$380).

28th.—For salary of messenger, one hundred and twenty dollars (\$120).

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER CXV.

AN ACT TO APPROPRIATE MONEY FOR THE SUPPORT OF THE STATE NORMAL SCHOOLS.

Be it enacted by the Legislature of the State of Minnesota:

Appropriation
for state normal
schools—Winona

SECTION 1. There is hereby appropriated, out of any money in the state treasury not otherwise appropriated, the sum of six thousand dollars, for the year one thousand eight hundred and seventy-four, and additional to the sum now annually appropriated, for the support of the state normal school at Winona, the same to be paid on warrants drawn by the president of the state normal school board, and countersigned by the secretary thereof.

SEC. 2. There is hereby appropriated, out of any

money in the state treasury not otherwise appropriated, ^{Mankato.} the sum of four thousand dollars, for the year one thousand eight hundred and seventy-four, and additional to the sum now annually appropriated, for the support of the state normal school at Mankato, the same to be paid on warrants drawn by the president of the state normal school board, and countersigned by the secretary thereof.

SEC. 3. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of four thousand dollars, for the year one thousand eight hundred and seventy-four, and additional to the sum now annually appropriated, for the support of the state normal school at St. Cloud, the sum [same] to be paid on warrants drawn by the president of the state normal school board, and countersigned by the secretary thereof. ^{St. Cloud.}

SEC. 4. Upon the presentation of such warrants to the state auditor, he shall forthwith draw warrants on the state treasurer for the amount named in the warrants of said president and secretary, not exceeding the said sums of six thousand dollars for said state normal school at Winona; and the said sum of four thousand dollars for said state normal school at Mankato; and the said sum of four thousand dollars for said state normal school at St. Cloud, for the year one thousand eight hundred and seventy-four; and the money drawn upon such warrants shall be expended under the direction of the state normal board of instruction as provided by law, and for the support of said state normal school. That the normal school board shall not be authorized to expend in the current expenses and present deficiencies of either of said schools, a greater sum than that hereby appropriated, nor shall any additional debt be incurred; and that the running expenses of said schools for the year eighteen hundred and seventy-four, shall not be allowed to exceed the sum hereby appropriated. ^{Appropriation, how drawn.}

SEC. 5. This act shall take effect and be in force from and after its passage. ^{When act to take effect.}

Approved March 6, 1874.

CHAPTER CXVI.

AN ACT TO AMEND SECTION 82 OF AN ACT RELATING TO
PUBLIC SCHOOLS, APPROVED MARCH 7, 1873.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Section eighty-two (82) of general laws, relating to public schools, approved March 7, 1873, is hereby amended so as to read as follows :

To defray ex-
penses of insti-
tutes and nor-
mal training
schools.

Sec. 82. To defray the expenses of institutes and normal training schools provided for in section eighty-one, three thousand dollars are hereby annually appropriated, to be drawn in advance by the state superintendent of public instruction, upon warrants issued by the state auditor, upon the requisition of said state superintendent, approved by the governor, in such amounts as may be necessary to meet the expenses that may accrue during the progress of such institutes and training schools, to be expended by the superintendent of public instruction, as follows, viz.: to defray the expenses of states institutes, one thousand dollars, and to defray the expense of such normal training schools, two thousand dollars. The state superintendent shall render an account of his disbursements of such funds to the state auditor, to be examined and audited by him.

When act to take
effect.

SEC. 2. This act shall take effect and be in force from and after its approval by the governor.

Approved March 5, 1874.

CHAPTER CXVII.

AN ACT TO APPROPRIATE MONEY FOR THE USE AND BEN-
EFIT OF THE STATE NORMAL SCHOOL AT ST. CLOUD,
MINNESOTA.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the sum of ten thousand dollars be, and the same is hereby appropriated out of any money in the state treasury not otherwise appropriated for the purpose of purchasing and introducing the necessary heating apparatus, furnishing building, out buildings, drainage, building cistern, fencing and grading grounds for the use and benefit of the state normal school at St. Cloud.

For state normal school at St. Cloud.

SEC. 2. The sum of money so appropriated shall be paid on warrants drawn by the president of the state normal board, and countersigned by the secretary thereof and upon the presentation of such warrants to the auditor of state he shall draw his warrants on the state treasurer for the amount named in the warrants of said president and secretary not exceeding in all the amount by this act appropriated, and the money drawn upon said warrants shall be expended under the direction of the normal school board as provided by law.

How appropriation drawn.

SEC. 3. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved March 6, 1874.

CHAPTER CXVIII.

AN ACT TO APPROPRIATE MONEY TO PAY THE SALARIES OF RAILROAD COMMISSIONERS AND THEIR CLERK.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. The sum of eleven thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys not otherwise appropriated to pay the salaries of railroad commissioners and their clerk.

Salaries of railroad commissioners.

SEC. 2. That this act shall take effect and be in force from and after its passage.

When act to take effect.

Approved March 6, 1874.

CHAPTER CXIX.

AN ACT TO APPROPRIATE MONEY FOR THE SUPPORT OF
THE INDIGENT INSANE.*Be it enacted by the Legislature of the State of Minnesota:*

For the support
of the insane.

SECTION 1. That the sum of eighty-four thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the current expenses of the Minnesota hospital for insane, and for furnishing the new buildings now under contract and nearly completed, the same to be paid in warrants drawn by the president and countersigned by the secretary of the board of trustees of that institution, and that on the presentation of such warrants on the state auditor, it shall be his duty to draw warrants on the state treasurer for like amount, such money to be expended under the direction of the board of trustees of the Minnesota hospital for the insane. But not more than eight thousand dollars shall be expended for furnishing the asylum, nor shall any part of the moneys hereby appropriated be used for any other purposes whatever than those mentioned in this section. *Provided*, That the sum herein appropriated for current expenses shall be drawn monthly in advance upon the estimated expenses for said institution.

When act to take
effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1874.

CHAPTER CXX.

AN ACT TO APPROPRIATE MONEY FOR BUILDING PURPOSES
FOR THE MINNESOTA HOSPITAL FOR THE INSANE.*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the sum of fifty-five thousand dollars, For completion of the insane hospital. or so much thereof as may be necessary, is hereby appropriated to be expended in the completion of the main building, and connections between the same and the laundry of the Minnesota hospital for the insane, and also to erect and enclose the north wing and return of the same; the same to be paid on warrants drawn by the president and countersigned by the secretary of the board of trustees of that institution; and that on the presentation of such warrants on the state auditor, it shall be his duty to draw warrants on the state treasurer for like amounts, such money to be expended under the direction of the board of trustees of the Minnesota hospital for insane.

SEC. 2. This act shall take effect and be in force from and after its passage. When act to take effect.

Approved March 6, 1874.

CHAPTER CXXI.

AN ACT TO APPROPRIATE MONEY FOR THE SUPPORT OF THE INSTITUTE FOR THE DEAF, DUMB AND THE BLIND.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. There is hereby appropriated out of any money in the treasury not otherwise appropriated the sum of twenty-six thousand dollars annually, commencing with the year eighteen hundred and seventy four, for the support of the institute for the deaf, dumb and the blind of the state of Minnesota, the same to be expended under the direction of the board of directors; and the state auditor is hereby directed to draw warrants for said amount upon the certificates of the governor or the president of the board of directors of said institute. For the support of the institute for the deaf and dumb.

SEC. 2. Chapter one hundred and four of the general laws of eighteen hundred and seventy, and all acts and parts of acts amendatory thereof, and inconsistent with this act are hereby repealed. Repeal of inconsistent acts.

When act to take
effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 4, 1874.

CHAPTER CXXII.

AN ACT TO APPROPRIATE MONEYS FOR THE SUPPORT OF THE MINNESOTA STATE REFORM SCHOOL FOR THE YEAR A. D. ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

Be it enacted by the Legislature of the State of Minnesota:

For expenses of
state reform
school.

SECTION 1. That the sum of twenty thousand dollars or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the general current expenses of the Minnesota state reform school for the year one thousand eight hundred and seventy-four.

For salaries of
officers, teach-
ers, etc.

SEC. 2. And the further sum of ten thousand dollars or so much thereof as may be necessary be, and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated for the salaries of officers, teachers, and other employees of said reform school, and for the repair and expenses appertaining to the real estate of said school, and for furniture and additions to library.

When act to take
effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 6, 1874.

CHAPTER CXXIII.

AN ACT TO APPROPRIATE MONEY FOR THE MAINTENANCE OF SOLDIERS' ORPHANS IN THIS STATE.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. The sum of twenty thousand dollars (\$20,000), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the maintenance of the soldiers' orphans of this state. For maintenance of soldiers' orphans.

SEC. 2. This act shall take effect and be in force from and after its passage. When act to take effect.

Approved March 2, 1874.

CHAPTER CXXIV.

AN ACT TO APPROPRIATE MONEY TO THE UNIVERSITY OF MINNESOTA.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. There is hereby annually appropriated to the university of Minnesota, from any money in the state treasury not otherwise appropriated, belonging to the fund for the support of state institutions, the sum of thirty-one thousand dollars; nineteen thousand dollars thereof to be used to aid in the support of said university, and twelve thousand dollars to be applied to the re-imbursement of the permanent university fund for moneys heretofore used for the support of said university, arising from the sales of stumpage on university lands. All money hereby appropriated shall be drawn upon orders of the board of regents of the university, and the state auditor is hereby authorized to draw warrants on the state treasury on the presentation of such orders. Appropriation to university of Minnesota.

Sec. 2. This act shall take effect and be in force from and after its passage. When act to take effect.

Approved March 5, 1874.

CHAPTER CXXV.

AN ACT TO APPROPRIATE MONEY FOR THE FURTHER COMPLETION OF THE STATE'S PRISON.

Be it enacted by the Legislature of the State of Minnesota:

For completion
of state prison.

SECTION 1. That the sum of ten thousand dollars or so much thereof as may be necessary, is hereby appropriated for the further completion of the state's prison, the same to be drawn on warrants drawn by the president and countersigned by the clerk of the board of inspectors of the state's prison, and on the presentation of such warrants to such state auditor, it shall be his duty to draw warrants on the state treasurer for like amounts. And such money shall be expended under the direction of the board of inspectors of the state's prison for the following improvements and additions to such prison :

For building stockade, estimate cost, twelve hundred dollars.

For condemnation of land, estimate cost, two thousand dollars.

For enlarging shops, five thousand dollars.

For cistern, eight hundred dollars.

For moving deputy warden's house, five hundred dollars.

For laying iron floor in cell buildings, five hundred dollars.

Total, ten thousand dollars.

Such appropriation shall be used for the purpose herein enumerated and for no other. and the inspectors are hereby required to have such improvements and additions done by contract whenever the same can be so done.

When act to take
effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1874.

CHAPTER CXXVI.

AN ACT APPROPRIATING MONEY FOR THE USE OF THE
EXECUTIVE DEPARTMENT OF THE STATE GOVERN-
MENT.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The sum of one hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury belonging to the general revenue fund not otherwise appropriated, for postage for the executive department of the state government, and the state auditor is hereby authorized to draw his warrant upon the state treasurer for the payment of said sum to the governor of this state. For use of executive department

SEC. 2. This act shall take effect and be in force from and after its passage. When act to take effect.

Approved January 29, 1874.

CHAPTER CXXVII.

AN ACT APPROPRIATING MONEY TO THE MAGDALEN SOCIETY OF MINNESOTA.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the sum of fifteen hundred dollars is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, to the Magdalen Society of Minnesota. For Magdalen society.

SEC. 2. This act shall take effect and be in force from and after its passage. When act to take effect.

Approved March 5, 1874.

CHAPTER CXXVIII.

AN ACT TO APPROPRIATE MONEY FOR CERTAIN PURPOSES.

Be it enacted by the Legislature of the State of Minnesota:

Appropriation
for certain pur-
poses.

SECTION 1. That the sum of seventy-five 44-100 dollars be and the same is hereby appropriated to Lorenzo Hoyt out of any moneys in the state treasury not otherwise appropriated, to reimburse him for money expended in the contested election case of H. J. Brainard against Lorenzo Hoyt for a seat in the house of representatives for the year eighteen hundred and seventy-four, from the twenty-fourth senatorial and representative districts.

SEC. 2. That the further sum of seventy-seven 75-100 dollars be and the same is hereby appropriated to Walter McArthur to reimburse him for his expenses in the contested election case of McArthur against Beard.

When act to take
effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 6, 1874.

CHAPTER CXXIX.

AN ACT TO APPROPRIATE MONEY FOR CERTAIN PURPOSES
THEREIN NAMED.

Be it enacted by the Legislature of the State of Minnesota:

Appropriation
for certain pur-
poses.

SECTION 1.. That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the treasury belonging to the general revenue fund, not otherwise appropriated :

1st.—For the payment of certificates issued by the senate for mileage, per diem of the members and officers of the senate, and for the payment of other expenses while sit-

ting as a court of impeachment in May, eighteen hundred and seventy-three (1873), four thousand dollars (\$4,000).

2d.—For payment of balance due state printer for work done by contract for state in eighteen hundred and seventy-three (1873), ten thousand seven hundred and thirty-six 23-100 dollars (\$10,736.23).

3d.—For payment of balance due for publishing general laws of eighteen hundred and seventy-three (1873), in newspapers, fifteen hundred and seventy-seven 25-100 dollars (\$1,577.25).

4th.—For payment of amount due for advertising for the various state departments in eighteen hundred and seventy-three (1873), one thousand dollars (\$1,000).

5th.—This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER CXXX.

AN ACT TO APPROPRIATE MONEY FOR THE PURPOSES THEREIN NAMED.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the sum of six hundred dollars (\$600) or so much thereof as may be necessary is hereby appropriated for the purpose of buying a safe for the executive office. Said sum to be paid out of the treasury upon the order of the governor.

To buy a safe
for executive
office.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to take
effect.

Approved March 5, 1874.

CHAPTER CXXXI.

AN ACT TO APPROPRIATE MONEY FOR CERTAIN PURPOSES
THEREIN NAMED.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the treasury belonging to the general revenue fund not otherwise appropriated:

Appropriations
for certain pur-
poses.

1st.—For payment of John C. Wise for acting as an expert for printing committee, one hundred dollars (\$100).

2d.—For expenses of senate investigating committee on Southern Minnesota railroad company, three hundred forty 70-100 dollars (\$340.70).

3d.—For state board of health for expenses for the year eighteen hundred and seventy three, fifteen hundred dollars (\$1,500).

4th.—To Charles N. Hewitt for actual expenses incurred in visiting American inebriate asylum by order of the governor, two hundred dollars (\$200).

5th.—To Charles Hjotsberg for services in office in secretary of state in proof reading of laws and preparing copy for printer and for services as clerk of the board of auditors of state treasurer, one hundred dollars (\$100.)

6th.—To Dr. W. W. Clark for medical attention upon frontier sufferers per order of the governor, sixty dollars (\$60).

7th.—To Drs. Murphy & Wharton for medical attention upon frontier sufferers per order of the governor, one hundred dollars (\$100).

8th.—To W. D. Flinn for medical attention upon frontier sufferers per order of the governor, one hundred fifteen dollars (\$115).

9th.—For expenses of pine land investigating committee, for pay of clerk of committee, one hundred and seventy-five (\$175); for pay of sergeant-at-arms, forty-two 75-100 dollars (\$42.75); for stationery, &c. six dollars (\$6.00).

10th.—To A. M. Radcliff for services as architect in drawing plans and specifications and supervising the construction of capitol extension and other repairs on state capitol (balance due) two hundred and twenty-five dollars (\$225.00). Appropriations for certain purposes.

11th.—For expenses of witnesses before senate investigating committee on insane asylum, sixty dollars (\$60).

12th.—To Dr. Alix J. Stone for professional service in case of state agent Bailey at Glenwood, Pope county, one hundred and fifty dollars (\$150.00).

13th.—For printing one thousand copies each of the message of [Gov. Austin and] Gov. Davis in the German, Swedish and Norwegian languages, seven hundred sixty-seven 55-100 dollars (\$767.55).

14th.—For heating new family building and shops at reform school, fifty-five hundred dollars (\$5500).

15th.—For expenses of committee appointed by governor for viewing bridge across the Chippewa river, in Pope county, forty-five dollars (\$45.00).

Approved March 6, 1874.

CHAPTER CXXXII.

AN ACT FOR THE RELIEF OF THE NATIONAL MARINE BANK ASSIGNEE OF THE CLAIM OF ATTERBURY, BAKER & CO., FOR THE ADDITIONAL EXPENSES INCURRED IN HEATING APPARATUS FOR THE STATE CAPITOL.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the sum of eleven hundred and eighty-seven dollars, be and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated to be paid to the National Marine Bank, St. Paul, assignee of the claim of Atterbury, Baker & Co., for additional expenses incurred by said firm in heating apparatus for the state capitol in the years eighteen hundred and seventy-one and eighteen hundred and seventy-two in full therefor. For additional heating apparatus for capitol.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 24, 1874.

CHAPTER CXXXIII.

AN ACT TO APPROPRIATE MONEY TO INDEMNIFY THE COUNTY OF BECKER, FOR EXPENSES INCURRED IN APPREHENDING AND TRYING KA-KA-BE-SHA, PAWNESS KAH-HE-MAH-BE AND O-KE-MAH, INDIANS OF THE CHIPPEWA NATION.

Be it enacted by the Legislature of the State of Minnesota:

To pay expenses of apprehending prisoners. SECTION 1. That the sum of one thousand three hundred and seventy-seven 29-100 dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, to indemnify the county of Becker for expenses incurred in apprehending and trying Ka-ka-be-sha, Pawness, Kah-he-muh and O-ke-mak, Indians of the Chippewa nation charged with murdering the Cook family in said family.

To settle claims arising from trial of prisoners. SEC. 2. The sum of seven hundred and fifty dollars or so much thereof as may be necessary is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to be expended under the direction of the governor of this state in the settlement of other claims against the state arising by the trial of the murderers of the Cook and Swede families.

When act to take effect. SEC. 3. This act shall take effect and shall be in force from and after its passage.

Approved March 5, 1874.

CHAPTER CXXXIV.

AN ACT TO APPROPRIATE MONEY TO CAPTAIN MARK HENDRICKS FOR SERVICES DURING THE INDIAN WAR.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The following sum of money be and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated:

1st.—To Mark Hendricks for services rendered in the year eighteen hundred and sixty-two as captain of artillery in the Indian war, including the “battle of Wood Lake,” the sum of two hundred and fifty-eight (258) dollars.

For services rendered during the Indian outbreak of 1862.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved March 6, 1874.

CHAPTER CXXXV.

AN ACT FOR THE RELIEF OF PETER HARFF AND APPROPRIATE MONEY TO INDEMNIFY HIM FOR SUPPLIES FURNISHED CAPT. N. W. DICKENSON, CO. “H” SECOND MINNESOTA INFANTRY VOLUNTEERS.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the sum of fifty-four dollars be and the same is hereby appropriated out of the general fund in the state treasury not otherwise appropriated to indemnify Peter Harff for supplies and provisions furnished by him to Capt. N. W. Dickenson’s company “H” 2d Minnesota infantry volunteers, whilst enroute from Mankato to Ft. Snelling to be mustered into the service of the United States.

For military supplies.

When act to take
effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1874.

CHAPTER CXXXVI.

AN ACT TO APPROPRIATE MONEY TO REIMBURSE OLE H. HOWE FOR EXPENSES INCURRED BY HIM IN CONTESTING THE SEAT OF L. O. ULVERSTADT IN THE HOUSE OF REPRESENTATIVES.

Be it enacted by the Legislature of the State of Minnesota:

For contested
election.

SECTION 1. That there is hereby appropriated out of any money in the state treasury not otherwise appropriated, to reimburse Ole H. Howe for expenses incurred by him in contesting the seat of L. O. Ulverstadt in the house of representatives, the sum of three hundred dollars (\$300).

When act to take
effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1874.

CHAPTER CXXXVII.

AN ACT TO REIMBURSE THE COUNTY OF KANDIYOHI FOR EXPENSES OF THE TRIALS AND CONVICTIONS OF R. B. CONEY AND WM. BRADSHAW.

Be it enacted by the Legislature of the State of Minnesota:

For expense of
trial of certain
persons.

SECTION 1. That the sum of ten hundred dollars be and the same is hereby appropriated out of any money in the state treasury not otherwise appropriated to reim-

burse the county of Kandiyohi for expenses of the trials and convictions of R. B. Coney and William Bradshaw.

SEC. 2. That the state auditor draw a warrant on the state treasurer in favor of the county of Kandiyohi for said amount, and transmit the same by mail or otherwise to the treasurer of Kandiyohi county, who shall draw the money and place the same to the county revenue fund. How appropriation to be drawn.

SEC. 3. This act shall take effect and be in force from and after its passage. *Provided, however,* that this act shall not be construed to establish the doctrine that the state is legally responsible for claims of the kind involved in this act. When act to take effect.

Approved February 19, 1874.

CHAPTER CXXXVIII.

AN ACT TO APPROPRIATE MONEY TO REIMBURSE AND PAY DR. E. B. HAYNES, FOR MEDICAL AND SURGICAL SERVICES IN ATTENDING UPON P. FOLEY, WHOSE FEET WERE FROZEN IN THE STORM OF JANUARY, EIGHTEEN HUNDRED AND SEVENTY-THREE.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the sum of eighty four dollars be and the same is hereby appropriated out of any moneys in state treasury, not otherwise appropriated, to pay and compensate Dr. E. B. Haynes, for medical and surgical care of P. Foley, from January nineteenth to February eighteenth, eighteen hundred and seventy-three. For medical service.

SEC. 2. The auditor of the state shall, upon application of the said E. B. Haynes, draw his warrant for the above amount of money in favor of the said E. B. Haynes, and the same upon due presentation shall be paid by the treasurer of the state. How drawn.

SEC. 3. This act shall take effect and be in force from and after its passage. When act to take effect.

Approved March 6, 1874.

CHAPTER CXXXIX.

AN ACT TO APPROPRIATE MONEY TO REIMBURSE AND PAY
A. P. NELSON FOR MAINTAINING AND SUPPORTING
ELIAS PETERSON AN INSANE PERSON.

Be it enacted by the Legislature of the State of Minnesota:

For support of
insane person.

SECTION 1. That the sum of five hundred dollars be and the same is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to pay and compensate A. P. Nelson for keeping, boarding, clothing and caring for Elias Peterson, an insane person, from the year eighteen hundred and fifty-eight until the present time.

How drawn.

SEC. 2. The auditor of this state shall, upon application of the said A. P. Nelson, draw his warrant for the above amount of money in favor of the said A. P. Nelson, and the same, upon due presentation, shall be paid by the treasurer of this state.

When act to take
effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 5. 1874.

CHAPTER CXL.

AN ACT TO APPROPRIATE MONEY FOR THE SUPPORT AND
MAINTENANCE OF CHRISTIAN SWANSON, WHO LOST
HIS ARMS AND LEGS DURING THE GREAT SNOW STORM
JANUARY SEVENTH, EIGHTH AND NINTH, EIGHTEEN
HUNDRED AND SEVENTY-THREE.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the sum of two hundred dollars is hereby appropriated out of any money in the state treas-

ury not otherwise appropriated, for the maintenance of Christian Swanson, of Stevens county, who lost his arms and legs, having been frozen during the great snow storm of January seventh, eighth and ninth, eighteen hundred and seventy-three. The same to be paid by the treasurer of the state upon a warrant of the state auditor whose warrant shall be drawn quarterly for the sum of fifty dollars.

For maintenance
of Christian
Swanson.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to take
effect.

Approved March 9, 1874.

CHAPTER CXLI.

AN ACT TO DEFRAY S. Y. McMASTERS, COMMISSIONER OF
THE STATE TO THE VIENNA EXPOSITION.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the sum of three hundred dollars be and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to pay the expenses of S. Y. McMasters as commissioner of this state to the Vienna exposition, which sum is to be in full for all such expenses.

To defray ex-
penses of com-
missioner to Vi-
enna Exposition.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to take
effect.

Approved March 6, 1874.

CHAPTER CXLII.

AN ACT TO RELIEVE OWEN EGAN, OF WASECA COUNTY.

Be it enacted by the Legislature of the State of Minnesota:

For relief to
Owen Egan.

SECTION 1. That the sum of seventy-eight 29-100 dollars be and the same is hereby appropriated out of any money in the state treasury not otherwise appropriated, to re-imburse Owen Egan, of Waseca county, the amount paid by him to the the Minnesota hospital for the insane, for boarding his son Eugene Egan, now an inmate of said hospital, and the state auditor draw his warrant on the state treasurer, for the amount in favor of the said Owen Egan.

When act to take
effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 7, 1874.

A P P E N D I X .

NUMBER II.

A JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO EXTEND THE TIME OF PAYMENT OF PRE-EMPTION CLAIMS.

WHEREAS, by the acts of congress of July fourteenth, eighteen hundred and seventy, as amended by acts of March third, eighteen hundred and seventy-one, and May ninth, eighteen hundred and seventy-two, many of the settlers on our western frontiers will be compelled, as pre-emptors, to pay for their land during the spring and summer of year eighteen hundred and seventy-four, which they will be unable to do on account of their poverty, caused in most instances by loss of their crops by the devastations of the grasshoppers during their raid of year eighteen hundred and seventy-three; therefore

Be it resolved by the Legislature of the State of Minnesota :

That our senators and representatives in congress be requested to use their efforts to secure legislation which will extend the time of payment of pre-emption claims for two years beyond the period now allowed by law :

That the secretary of state forward immediately to each of said senators and representatives a certified copy of the foregoing resolution.

Approved January 21, 1874.

NUMBER III.

JOINT RESOLUTION IN REFERENCE TO THE MANNER IN WHICH THE SALARIES OF THE MEMBERS AND OFFICERS OF THE LEGISLATURE SHALL BE DISBURSED.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. It shall be the duty of the deputy state treasurer to

receive from the state treasurer every ten days during the session of the legislature the per diem salary accruing to the members and officers of the senate and house of representatives during the preceding ten days, and to pay over to such members and officers of said bodies, the per diem salary to each one, taking his receipt therefor. He shall, in like manner, receive and pay over all sums accruing for mileage or otherwise to the members and officers of said bodies, all said payments to be made at the office of the state treasurer.

SEC. 2. It shall be the duty of the secretary of the senate and the chief clerk of the house of representatives to draw their certificate every ten days during the session of the legislature in favor of the deputy treasurer for the gross amount to which the members and officers of their respective bodies are entitled for per diem salary or otherwise, reciting in detail in such certificate the amount accruing to each of such members and officers during the preceding ten days, and the said certificates being audited and approved by the state auditor, the state treasurer shall thereupon on the order of the state auditor pay over such gross amounts to the deputy treasurer.

SEC. 3. At the close of each session of the legislature the deputy treasurer shall report to the state auditor an account of the money so received and paid by him during the session, and it shall be the duty of said state auditor to examine the vouchers and adjust said accounts.

SEC. 4. It shall the duty of the auditor of state to procure and furnish to the secretary of the senate and the chief clerk of the house of representatives and to the deputy treasurer all such stationery and printed forms as may be required under the provisions of this joint resolution.

SEC. 5. The state treasurer is hereby held responsible for the faithful performance of the within imposed duties of his deputy.

SEC. 6. Nothing herein contained shall be construed to increase the amount of compensation of said deputy treasurer.

SEC. 7. This joint resolution shall take effect and be in force from and after its passage.

Approved February 3, 1874.

NUMBER IV.

JOINT RESOLUTION RELATING TO EXTENSION OF THE PROVISIONS
OF THE TIMBER CULTURE ACT OF MARCH THIRD, EIGHTEEN
HUNDRED AND SEVENTY-THREE.

WHEREAS, In the United States land districts on the western prairies, a large portion of the sections are reserved for the benefit of various railroad corporations, and two sections of the even numbered sections in each township are also reserved for school purposes, besides more or less other land is reserved as insuring [inuring] to the states, under swamp land grants; thus leaving but a small fraction of these vast treeless tracts in said land districts subject to the provisions of the timber culture act of March 3d, 1873; therefore

Be it resolved by the Senate and House of Representatives :

That our senators and representatives in congress are hereby requested to use their influence to secure the passage of an act extending the provisions of said timber culture act, so that two quarter sections on each section of the government lands set apart for settlement may be taken under said act, and that any quantity of land not less than forty acres, nor more than one hundred and sixty acres, in any shape designated by government subdivisions, lying contiguous, may be taken under said act, of which one-fourth part so taken shall be planted to trees; and that the time of planting the trees be extended to two years. That the secretary of state be requested to forward immediately to each of said senators and representatives a certified copy of the foregoing resolution.

Approved February 5, 1874.

NUMBER V.

A JOINT RESOLUTION IN RELATION TO THE SALE OF TIMBER ON
THE SCHOOL AND SWAMP LANDS EMBRACED IN THE RED LAKE
AND THE LEECH LAKE INDIAN RESERVATIONS IN THE STATE OF
MINNESOTA.

WHEREAS, It appears by the inaugural message of his excellency, governor C. K. Davis, that large quantities of valuable pine and cedar timber, situated on the Red Lake and the Leech Lake Indian reservations, within this state, embracing at least sixty thousand acres of school lands, and also extensive tracts of swamp lands, in which the state possesses a large property interest, have been sold, or contracted to be sold, by agents of the United States government; and

WHEREAS, The principal value of said lands is in the timber thereon growing, and that with the sale and removal of the timber therefrom the lands will become comparatively worthless to the state, thus unjustly robbing unborn generations of their patrimony; and

WHEREAS, The sale of such large quantities of timber, on extensive tracts of land, to one person or company of persons, must as a natural consequence, create a timber and lumber monopoly of vast proportions, for an unlimited and indefinite time, which, in the nature of things, must soon become detrimental to the best interests of the people of the state; and

WHEREAS, Common prudence would seem to dictate a preservation of the forests of timber now in the country, instead of their destruction at the hands of selfish and greedy speculators; and

WHEREAS, By act of congress, approved March third, eighteen hundred and forty-nine, and by act of congress approved February twenty-fifth, eighteen hundred and fifty-seven, the title to sections sixteen and thirty-six in each township became vested in the state; and

WHEREAS, By act of congress approved March twelfth, eighteen hundred and sixty, the state has a valuable property interest in the timber on the swamp lands embraced within the limits of said Indian reservations; and

WHEREAS, We consider the sale of large bodies of timber or tracts of land to one person, or company of persons, as detrimental to the best interests of the people of the northwest, and as opposed to a just and sound national policy; therefore

Be it resolved by the Legislature of the State of Minnesota:

That we earnestly protest against the consummation of these alleged sales of timber on the Red Lake and the Leach Lake Indian reservations—this attempted perversion of a portion of our school land estate, which justly and legally belongs to the children of this commonwealth, to other and illegal purposes—the unwise policy of the government in placing large domains of timber and land under the control of one man or company of men, in advance of settlement,

thus planting and fostering a timber and lumber monopoly in our midst; and we earnestly request the congress of the United States to interpose its power to cancel said contracts, and protect the state from all future attempts of this kind. *Resolved further*, That the governor of this state be requested to forward copies of this preamble and these resolutions to our senators and representatives in congress, to the secretary of the interior and the head of the Indian bureau, at Washington; and that said senators and representatives be requested to lay the subject before congress at an early day, and urge immediate action by that honorable body; and that they take such further action in the matter as they may deem necessary and expedient to protect the state in its legal and equitable property interests in the timber growing upon the public lands of this state.

Approved February 11, 1874.

NUMBER VI.

A JOINT RESOLUTION REQUESTING THE SENATORS AND REPRESENTATIVES REPRESENTING MINNESOTA IN CONGRESS TO USE THEIR EFFORTS TO SECURE A POST ROUTE IN THE COUNTIES OF LYON, YELLOW MEDICINE AND LAC QUI PARLE.

Be it resolved by the Legislature of the State of Minnesota:

That our senators and representatives in congress are requested to use their efforts to secure a postroute from Marshall (a station on the Winona and St. Peter Railroad), in the county of Lyon, and thence by way of Stavanger post office, in the county of Yellow Medicine to Lac qui Parle, in the county of Lac qui Parle, a total distance of about forty miles.

Resolved, That the postmaster general is respectfully requested to place the requisite service on the said route so soon as the said route shall be duly authorized by act of congress.

Resolved, That the governor of this state be requested to forward copies of these resolutions to our senators and representatives in congress and the postmaster general.

Approved February 12, 1874.

NUMBER VII.

A JOINT RESOLUTION ASKING CONGRESS TO CAUSE A SURVEY TO BE MADE OF THE WATER ROUTES BETWEEN THE NAVIGABLE WATERS OF THE MINNESOTA RIVER AND THE RED RIVER OF THE NORTH, TO ASCERTAIN THE FEASIBILITY OF CONNECTING THE TWO BY CANAL.

WHEREAS, Surveys have been made of the Minnesota river and of the Red River of the North, and measures are progressing for improving the navigation of said rivers. That said surveys and improvements are not made with a view of connecting said rivers, and making a continuous system of water navigation; and

WHEREAS, Between the points of possible steamboat navigation on said rivers there is nearly a continuous water route, via Big Stone Lake and Lac Traverse, and also via the Pomme de Terre and Otter Tail rivers, by either of which routes a canal would complete the water communication, and afford cheap transportation between an extensive producing region and the markets; therefore

Be it resolved by the Legislature of the State of Minnesota:

That congress is hereby requested to survey the said water routes between the navigable waters of the Minnesota river and the Red River of the North, to ascertain the feasibility, and estimate the cost of constructing a canal of sufficient capacity for the ready transportation of articles of merchandise.

Approved February 12, 1874.

NUMBER VIII.

A JOINT RESOLUTION REQUESTING THE GOVERNOR TO CAUSE LIGHTS TO BE PLACED IN OR NEAR THE SOUTH PORCH OF THE CAPITOL BUILDING.

Resolved by the Legislature of the State of Minnesota:

APPENDIX.

That the governor be and he is hereby requested to cause lights to be placed in or near the porch of the south front of the capitol building, for evening use during the sittings of the senate or house of representatives.

Approved February 13, 1874.

NUMBER IX.

A JOINT RESOLUTION RELATIVE TO THE EQUALIZATION OF THE
BOUNTIES OF VOLUNTEER SOLDIERS AND THEIR HEIRS.

WHEREAS, Under existing laws the bounties bestowed by the government of the United States upon soldiers and sailors of the late war of the rebellion are unequal, devoid of uniformity, and therefore unjust. And whereas, many soldiers and seamen, who from patriotic impulses enlisted at the commencement of the war, are entitled to receive, and have received, but two hundred dollars bounty, while those who entered the military service two or three years later, when the war had nearly closed, are entitled to receive three and four hundred dollars each in bounty; therefore,

Be it resolved by the Legislature of the State of Minnesota:

That our senators and representatives in congress be respectfully urged to use all honorable means to secure the passage of law equalizing upon an equitable and uniform basis the bounties of the volunteer soldiers and sailors of the late war, regardless of the term of service.

Approved February 19, 1874.

CHAPTER X.

A JOINT RESOLUTION OF THE STATE OF MINNESOTA IN RELATION
TO THE NORTH BRANCH OF THE UNION PACIFIC RAILROAD.

WHEREAS, A large number of railroads passing through the states of Wisconsin and Minnesota, and north half of Iowa, run westwardly to the Missouri river, or have important connections which reach said river on the west boundary of the state of Iowa at or near the parallel of $42\frac{1}{2}$ degrees of north latitude. The value and importance of those several roads depend, in a very great measure, upon having a connection by the shortest and most feasible and most practicable route with the Union Pacific Railroad, east of the Rocky Mountains; and

WHEREAS, In the law of congress making provisions for the construction of said Union Pacific Railroad, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the government the use of the same for postal, military, and other purposes," approved July 1, 1862, and the amendments thereto, approved July 2, 1864, provision is made for the construction of the north branch of said road, commencing on the western boundary of the state of Iowa, at or near the aforesaid parallel of latitude, and running thence westwardly by the nearest and best route to unite with the main trunk of said road. This branch was asked for by the people of those states, and included in said law and amendments—because it would afford to those roads a much shorter and more practicable connection with the main trunk of said road than possibly be secured by any other route; and

WHEREAS, It has been repeatedly claimed that the branch road now built does not afford that direct connection between Sioux City and the said Union Pacific Railroad contemplated by the spirit of the original act; therefore

Be it resolved by the Legislature of the State of Minnesota :

That in the event that any assistance should be granted for the extension of Pacific railroads, congress be requested to include in any law for that purpose a clause, if any be necessary, that shall secure the speedy construction of said branch. That such law provide for and require the construction *westwardly* of said branch, so as to unite with the Union Pacific railroad by the nearest and most practicable route, as shall most effectually promote the best interests of those states.

Resolved, That the governor be requested to transmit duly authenticated copies of this preamble and resolution to the president of the senate and speaker of the house, with request that they lay them before their respective houses; and to each of our senators and representatives in congress, with a request that they use their best efforts to secure the insertion in any law for the relief of the afore-

said roads a clause for the speedy construction of the aforesaid branch along the line, and with the connections above indicated.

Approved February 23, 1874.

NUMBER XI.

A JOINT RESOLUTION RELATING TO ARMS AND MILITARY PROPERTY BURNED AT NEW ULM NOVEMBER 20, 1873.

WHEREAS, During the night of November 20, 1873, the following arms and equipments, the property of the state of Minnesota, in the care and custody of Company "A," 3d Battery, Minnesota National Guard, to-wit: Forty-six stand of muskets and equipments, and seven swords, were consumed by fire at New Ulm.

AND, WHEREAS, The fire having resulted from incendiarism or accident, without the knowledge or ability of the company, or the bondsmen of the company to prevent.

AND, WHEREAS, The said company or its bondsmen were in no manner to blame or responsible for the fire and loss resulting therefrom; therefore,

Be it resolved, That Jos. Bobleter, Julius Kirschstein and Herman Herrenderfer, the bondsmen held for the safety and preservation of said arms and military property be, and they are hereby relieved from the terms and conditions of said bond, and the same declared hereby to be null and void.

Approved February 24, 1874.

NUMBER XII.

JOINT RESOLUTION RESPECTING THE IMPROVEMENT OF NAVIGATION ON THE MISSISSIPPI RIVER.

WHEREAS, The Upper Mississippi River forms a continuous water course from the Falls of St. Anthony, the present head of steamboat navigation on the said river, to Pokegama Falls, near the source of

said river in the state of Minnesota, a distance of about two hundred and twenty-five miles due north, and over five hundred miles by river, and bordering on eleven counties, all of which are agricultural, or heavily timbered with pine timber, or both; and the unobstructed navigation of the said Mississippi river, between the Falls of St. Anthony and the headwaters of said river, is of the greatest importance to the inhabitants, and is absolutely necessary to the agricultural and lumbering interests of the several counties lying on said river; and that railroad connection with the navigation at the city of St. Cloud and Sauk Rapids (by St. Paul and Pacific R. R.,) and the city of Brainerd (by Northern Pacific R. R.,) on the said river, renders the free navigation of this said river of great commercial interest to all classes of the inhabitants; and

WHEREAS, There are obstructions to the free navigation of this river during low water season from reason of gravel bars, boulders and rapids, making said river impassable to steamboat navigation for that portion of the year, when the free navigation of said river is very desirable and necessary, especially to the lumbering interests of the Upper Mississippi and its tributaries above St. Anthony Falls, who have no other public facilities for transportation or travel than such as is offered by the said Mississippi river; and

WHEREAS, By the improvement to the navigation of the Mississippi river, between the points above named, the government would have cheaper transportation for supplies sent to Fort Ripley on said river, and to the several Indian tribes on the Upper Mississippi and its tributaries; while the diminished cost of transportation of supplies to the immense lumber region of the said Upper Mississippi river would have an effect to reduce the price of lumber to all purchasers; and

WHEREAS, The said improvement of the said Mississippi river would open to settlers a large region now remote from railroads, and cause it to become productive and valuable; and the large quantities of wheat and other grains raised convenient to the route would reach market at reduced rates to the benefit of both producer and consumer; and a large local traffic would spring up to the benefit of the towns and people along the entire route; and

WHEREAS, The improvement of this great national highway by a system of locks and dams, would not only render it navigable from its source to the Gulf of Mexico, but would enhance the volume of water during a dry season, thereby giving six hundred miles additional navigation at an expense small in comparison to the great benefit which would be derived; therefore

Resolved, That the senators and representatives of this state in congress be requested to use their influence to secure at the present session of congress such legislation as will provide for the improve-

ment of the Mississippi river, from the Falls of St. Anthony to its source, at as early a day as may be practicable; and to secure the appropriation of such sum of money as may be necessary for the commencement of the improvement herein specified.

Approved February 24, 1874.

NUMBER XIII.

A JOINT RESOLUTION TO CONGRESS, OF THE LEGISLATURE OF THE STATE OF MINNESOTA, ASKING FOR THE ESTABLISHMENT OF A POST ROUTE FROM ST. JAMES, IN WATONWAN COUNTY, VIA OF CEDARVILLE, LONE CEDAR, AND DUNNELL, IN MARTIN COUNTY, MINN., TO ESTHERVILLE IN EMMETT COUNTY, IOWA.

Be it resolved by the Legislature of the State of Minnesota:

That congress be requested to pass an act establishing a post route from St. James, in Watonwan county, via Cedarville, Lone Cedar, and Dunnell, in Martin county, Minnesota, to Estherville, in Emmett county, Iowa—a distance of about forty-five miles.

Resolved, That so soon as said post route may be provided for by law, the honorable postmaster general is requested to place such service thereon as shall accommodate the people of said district.

Resolved, That the governor of this state be requested to forward copies of these resolutions to our senators and representatives in congress, and to the postmaster general.

Approved February 26, 1874.

NUMBER XIV.

A JOINT RESOLUTION RELATING TO THE MISSION TO SWEDEN AND NORWAY.

WHEREAS, Large numbers of the citizens of this state are natives of Sweden and Norway, which countries in later years have added to

our population an average of twenty thousand citizens per year ; and

WHEREAS, The relations existing between these countries and the United States are of the most intimate and friendly character, both as respects the governmental, social, and commercial intercourse of said countries ; and

WHEREAS, We deem it to the advantage of both the United States and the kingdoms of Sweden and Norway, that the friendly relations existing between said countries be fostered and strengthened in all proper ways ; and

WHEREAS, By reason of the large population of Sweden and Norway (numbering over six millions,) and the intelligence of their people, the said countries deserve to rank in their diplomatic relations with the United States on an equality with Austria, Switzerland, Russia, Turkey, Italy, Spain, Mexico, Peru, and Chili, in all of which countries our government support full second-class missions ; now therefore,

Be it resolved by the Senate and House of Representatives of the State of Minnesota:

That our members in congress be and hereby are requested to urge the enactment of a law raising the rank of the mission to Sweden and Norway to that of a full second-class mission—known and styled as “Envoy Extraordinary and Minister Plenipotentiary,”—the same rank that Norway and Sweden have always supported at Washington in their diplomatic representation to this country.

Resolved, further, That the governor be requested to forward copies hereof to our senators and representatives in congress at an early day.

Approved February 28, 1874.

NUMBER XV.

JOINT RESOLUTION FOR THE IMPROVEMENT OF THE MINNESOTA RIVER.

WHEREAS, The practicability and feasibility of improving the navigation of the Minnesota river is clearly shown by the surveys thereof made by the war department, by a system of locks and

dams, whereby permanent navigation of said river, during the season thereof, can be secured, to the great relief of the grain producing interest of this state :

Be it resolved by the Legislature of the State of Minnesota:

That our senators be instructed, and our representatives in congress be requested, to use their influence and votes to procure an appropriation from the congress of the United States for the improvement of said river, by such means as said report recommends, from the Yellow Medicine River to Mendota, on said river; and that in expending the same the secretary of war be directed to expend out of such appropriation, in the first instance, so much thereof as may be found necessary to improve that part of said river between Yellow Medicine and the town of New Ulm.

Approved February 28, 1874.

NUMBER XVI.

JOINT RESOLUTION.

WHEREAS, A combination exists between many, if not all, of the publishing houses of the United States engaged in the publication and sale of text books for the use of common schools, whereby such publishing houses, aided by the laws of copyright, have secured to themselves a monopoly in the publication and sale of such American text books, adopted for use, and used in the common schools of the United States, thereby excluding competition and raising the price of such books to at least sixty per cent. above their cost with all fair and reasonable profits, and above the price at which they could be obtained if competition were permitted; and thereby imposing an unjust and onerous tax of many millions of dollars per annum, upon the education of youth; and

WHEREAS, It is believed that a majority of the needed books, in all respects equal in merit and usefulness to American books, are published in foreign countries, especially in Great Britain, and can be had at prices greatly reduced from the present cost, should the impost thereon by the United States be removed; and

WHEREAS, Such impost or duty is believed to yield no revenue

adequate to the burden imposed, and can be abolished without detriment to the general government; therefore,

Be it resolved by the Legislature of the State of Minnesota:

That our senators and representatives in congress be, and they are hereby requested at as early a day as practicable, to procure such an amendment of the revenue laws of the United States, as will permit the importation of all text books free of duty.

Resolved, That they be requested to procure, if practicable, an amendment of the laws of copyright, so far as such laws relate to text books, in such manner that combination between the holder of copyright and publisher, or holders of other copyright, shall forfeit the privileges conferred by those laws; and the establishment of which combination shall authorize thereafter the free use of such publications.

Resolved, That the secretary of state be, and is hereby directed to furnish a copy of these resolutions to each of our senators and representatives in congress.

Approved March 2, 1874.

NUMBER XVII.

JOINT RESOLUTION 'IN FAVOR OF A PRELIMINARY SURVEY OF THE COUNTRY BETWEEN ST. CROIX FALLS AND UPPER MISSISSIPPI RIVER, AND LAKE SUPERIOR, WITH A VIEW TO ESTABLISHING WATER COMMUNICATION BY CANAL AND LOCKS AND DAMS, BETWEEN THE NAVIGABLE WATERS OF SAID RIVERS AND LAKE.

WHEREAS, Free water communication with the markets of the world is the first great necessity for the successful prosecution of agriculture in the state of Minnesota, and will continue to be the principal resource of the people from the exactions of the railroad corporations; and

WHEREAS, In the Mississippi river and its tributaries, permeating the greater part of the state with water courses either navigable or susceptible of being made navigable for steam boats, barges or canal boats, we have a water system capable of being used to great advantage by the people; and in the chain of great lakes and the

St. Lawrence river, we have the means of water communication between the shores of Minnesota and the sea-ports of Europe; and

WHEREAS, It is of the utmost importance to our state that the navigable waters of the Mississippi valley and the great lakes should be united at the point where they most nearly approach each other, so that the greater part of our grain fields should be placed in water communication with the external world; and

WHEREAS, The navigable waters of the St. Croix river are but about sixty feet above those of lake Superior, and the entire distance between them is but eighty-four miles, and this distance is made up, in great part, of the St. Croix river above the falls of St. Croix, and of other small streams having a general north and south direction, and capable of being improved, with small outlay, by means of locks and dams, so as to render them navigable for canal boats, while a distance of but a few miles would have to be overcome by the construction of a canal; and

WHEREAS, The navigable waters of the Upper Mississippi are believed to be at about the same level and navigable to within a few miles of the tributaries of lake Superior; and

WHEREAS, Such a canal would be constructed across a summit level filled with lakes, swamps and streams, and therefore furnishing all the water required for canal purposes, and through drift materials easily worked, and in a region furnishing abundant timber for the necessary works; and

WHEREAS, Such a canal, in conjunction with said water courses, would furnish a means of communication between the Mississippi river and the great lakes, five hundred miles shorter than the Fox and Wisconsin river improvements, which diagonally cross the entire state of Wisconsin; therefore,

Be it resolved by the Legislature of the State of Minnesota:

That our senators and representatives in congress be requested to use their influence to secure a preliminary survey of the region in question, and of the two routes, with a view to the construction of such a canal, and the improvement of said water courses, on condition that said canal and navigable streams shall forever remain under the control of the United States government, with the right of the people to the free use of the same, subject to such toll or charge as may be necessary to keep said works in repair and pay the actual expenses of operating the same.

Approved March 2, 1874.

NUMBER XVIII.

A JOINT RESOLUTION REQUESTING SENATORS TO URGE THE CANCELLATION OF CERTAIN CONVEYANCES OF LAND GRANTED TO THE STATE OF MINNESOTA IN AID OF THE CONSTRUCTION OF CERTAIN RAILROADS AND FOR THE RELIEF OF SETTLERS THEREON.

WHEREAS, By the decision of the honorable the secretary of the interior in the case of S. M. Boyd vs. the Burlington and Missouri Railroad, to the effect that when a grant of lands to aid in the construction of a railroad excepts from its provisions land to which a legal pre-emption or homestead right had attached at the date of the definite location of such roads; and

WHEREAS, Large tracts of land, now claimed by the land grant railroads of this state, by virtue of conveyance by the state under said grants, have been settled upon in good faith by actual settlers, who now hold the same at the will of said roads, and subject to be ejected therefrom, to the utter impoverishment of many worthy citizens of this state; and

WHEREAS, the general land office refuses all or any relief to such settlers; therefore

Be it resolved by the Legislature of the State of Minnesota:

That our senators in congress be instructed, and our members be requested, to use all honorable efforts to procure the passage of an act authorizing and directing the commissioner of the general land office, upon proper proof of a legal valid pre-emption right existing to any lands granted as aforesaid in behalf of any settler to lands where the right of pre-emption had attached as aforesaid, prior to the definite location of the line of such road, to cancel such conveyance to the state so far as the same relates to such land, and to authorize the pre-emption of such land or lands at the minimum rate for the entry of government lands by the party showing right thereto, at the local land office in the district where said lands are situate, and also to authorise such railroads to select other lands not otherwise appropriated in lieu thereof, or to secure an appropriation from the general government sufficient to pay all just and equitable claims which said railroad companies may have to any of said lands, and so provide by law that such settlers may be permitted to perfect the title to their respective claims.

Resolved, That the governor be requested to forward copies hereof to our senators and representatives in congress, and also to the commissioner of the general land office, at an early day.

Approved March 2, 1874.

NUMBER XIX.

A JOINT RESOLUTION MEMORIALIZING CONGRESS FOR APPROPRIATIONS TO IMPROVE THE HARBOR OF DULUTH.

WHEREAS, The state of Minnesota has but one port upon the great lakes, and of the large appropriations of congress for harbor improvements has as yet received but a very small part; and

WHEREAS, The facilities for shipping and transporting eastward by water routes the agricultural products of this State, are of prime importance to it; therefore,

Resolved, That the senate and house of representatives of the United States, in congress assembled, be and they are hereby requested to make such liberal and just appropriations for the improvement of the harbor of Duluth as will keep it up to the growing necessities of the northwest.

Resolved, That the governor be directed to transmit this memorial to congress for their consideration.

Approved March 2, 1874.

NUMBER XX.

A JOINT RESOLUTION TO CONGRESS, [OF THE LEGISLATURE] OF THE STATE OF MINNESOTA, ASKING FOR THE ESTABLISHMENT OF A POST ROUTE FROM MARSHALL, MINNESOTA, TO DELL RAPIDS, DAKOTA TERRITORY.

WHEREAS, The rapidly increasing population of Lyon and Lincoln counties, Minnesota, and along the eastern line of Dakota Territory, labor under great inconvenience by reason of the circuitous

route by which their postal matter is conveyed to Dell Rapids, Dakota Territory, by way of Sioux City, a distance of over five hundred miles from Marshall to Dell Rapids.

WHEREAS, The actual distance is sixty-five miles ; therefore

Be it resolved by the Legislature of the State of Minnesota :

That our senators and representatives in congress are requested to use their efforts to secure a post route from Marshall, Minnesota, by way of Lynd, Hildrethsburg and Lake Benton, Minnesota, to Dell Rapids, Dakota Territory, a total distance of sixty-five miles.

Resolved, That the postmaster general is respectfully requested to place the requisite service on said route, so soon as the said route shall be duly authorized by act of congress.

Resolved, That the governor of this state be requested to forward copies of these resolutions to our senators and representatives in congress, and to the postmaster general.

Approved March 3, 1874.

NUMBER XXI.

JOINT RESOLUTION TO CONGRESS RESPECTING UNITED STATES PENSION CLAIMS.

WHEREAS, Great complaints are of daily occurrence as to the allowance, disallowance and payment of pensions to invalids and other pensioners of the United States ; therefore,

Be it resolved by the Legislature of the State of Minnesota :

That our senators and representatives be requested to use their influence for an investigation of the affairs of the pension bureau at Washington, in regard to the allowance and disallowance of pensions heretofore granted and refused.

Approved March 5, 1874.

NUMBER XXII.

JOINT RESOLUTION REQUESTING THE SENATORS AND REPRESENTATIVES IN CONGRESS REPRESENTING MINNESOTA TO USE THEIR EFFORTS TO SECURE A POST ROUTE IN THE COUNTIES OF FARIBAULT, IN THE STATE OF MINNESOTA, AND WINNEBAGO COUNTY, IN THE STATE OF IOWA.

Be it resolved by the Legislature of the State of Minnesota :

That our senators and representatives in congress are requested to use their influence to secure a post route from Banks, in Faribault county, Minnesota, by way of Coon Grove and Benson's Grove to Forest City, in Winnebago county, in the state of Iowa, a distance of about fifty mile.

Resolved, That the postmaster general is requested to establish post offices in Coon Grove and Benson's Grove, in said county of Winnebago county, Iowa, and to place the requisite service on said route so soon as the route shall be duly authorized by act of congress.

Resolved, That the governor of this state be requested to forward copies of these resolutions to our senators and representatives in congress and to the postmaster general.

Approved March 5, 1874.

NUMBER XXIII.

JOINT RESOLUTION REQUESTING THE SENATORS AND REPRESENTATIVES IN CONGRESS, REPRESENTING MINNESOTA, TO USE THEIR EFFORTS TO SECURE A POST ROUTE FROM BUFFALO, IN WRIGHT COUNTY, TO DAYTON, IN HENNEPIN COUNTY.

Be it resolved by the Legislature of the State of Minnesota :

SECTION 1. That our senators and representatives in congress are hereby requested to use their influence to secure a post route from Buffalo, (the county seat,) in Wright county, by the way of Pelican Lake and Frankfort, in said county, to Dayton, in Hennepin county.

Resolved, That the postmaster general be requested to establish a post office at or near Pelican Lake, on said route, so soon as the route shall be duly authorized by act of Congress.

Resolved further, That the governor of this state be requested to forward copies of these resolutions to our senators and representatives in congress, and to the postmaster general.

Approved March 5, 1874.

NUMBER XXIV.

A JOINT RESOLUTION PRAYING FOR AN EXTENSION OF TIME TO COMPLETE CERTAIN LINES OF RAILROAD.

The memorial of the legislature of the state of Minnesota respectfully represent :

That, chiefly by reason of the financial difficulties of the year last past, portions of the St. Paul and Pacific railroad lines, extending from Watab to Brainerd and from St. Cloud to St. Vincent on the international boundary line, remain partially uncompleted, that is to say : one hundred forty-three and one half miles are ready for rolling stock in detached parts, but not so as to be operated to advantage without the completion of the other portions ; 178 miles are graded and ready for the superstructure, save the bridges, the materials for which are in condition to be put together ; the cross-ties are also ready to be placed, and fifty-nine miles are not as yet graded ;

That inasmuch as the time limited by the act of congress approved March 3d, 1873, for completing such lines has expired, and the portions constructed will be of but little service to the people or the government unless the other parts are also completed ; and communication by rail with the large and growing communities in the British possessions north, and the military posts in the northwest portions of the state, will be impracticable ; therefore,

Resolved by the Legislature of the State of Minnesota :

That this state respectfully and urgently requests congress to continue to this state the land grants, to aid in the construction of said lines of road until January 1st, 1876, and to provide that said

line of road extending from Saint Cloud to Saint Vincent shall be constructed *via* Sauk Centre, Osakis, Alexandria and Fergus Falls in this state, but we hereby direct our senators and request our representatives in congress not to permit the passage of any such act of extension which does not grant the said lands directly to the state of Minnesota, and with the power, upon the part of the state, clearly expressed in the act, to impose any and all additional terms and conditions in the disposition of said lands, which experience has shown to be necessary for the protection of the people, and with full power on the part of the state to grant said lands to any company or companies the state may select, due regard being had to the rights of individuals who have performed work upon, or paid money for such uncompleted portions of said roads.

The governor is hereby requested to forward copies of this memorial to each of the senators and members of the house of representatives of this state and also the president of the senate and speaker of the house of representatives.

Approved March 5, 1874.

NUMBER XXV.

A JOINT RESOLUTION TO CONGRESS ASKING THAT GOVERNMENT LANDS IN THIS STATE, TO THE AMOUNT OF TWENTY SECTIONS, BE GRANTED TO THE STATE IN LIEU OF THE TWENTY SECTIONS ON THE WINNEBAGO INDIAN RESERVATION, IN WASECA AND BLUE EARTH COUNTIES, HERETOFORE SOLD AND CONVEYED BY THE GENERAL GOVERNMENT TO PRIVATE PARTIES.

WHEREAS, By act of March third, A. D. eighteen hundred and forty-nine, known as the organic act of Minnesota, the congress of the United States did enact "that when the lands in the said territory (of Minnesota) shall be surveyed under the direction of the government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said territory shall be, and the same are hereby reserved for the purpose of being applied to schools in said territory, and in the state and territories hereafter to be created out of the same;" and

WHEREAS, The first clause of section five of the act authorizing a state government, passed by congress February twenty-sixth, eighteen hundred and fifty-seven, provides, "that sections numbered

sixteen and thirty-six, in every township of public lands in this state, and where either of said sections, or any part thereof, has been sold or otherwise disposed of, other lands, equivalent thereto and as contiguous as may be, shall be granted to said state for the use of schools;" and

WHEREAS, The said Winnebago Indian reservation included twenty sections of said school lands which had been "surveyed under the direction of the general government of the United States, preparatory to bringing said lands into market," prior to their occupancy by the Winnebago Indians; and

WHEREAS, The government of the United States, by and through its officers and agents, has, contrary to the best interests of the state of Minnesota, since such survey, sold and conveyed the said school lands to diverse persons, and taken and received compensation therefor, to the great damage of the common school fund of this state; therefore

Resolved by the Legislature of the State of Minnesota:

That congress be requested to pass a law appropriating twenty sections of other government lands in this state, as nearly equivalent in value to the said Winnebago Indian reservation lands as possible.

Resolved further, That the governor of this state be requested to forward copies of these resolutions to our senators and representatives in congress at as early a day as practicable; and that said senators and representatives be requested to press this just and reasonable claim upon the attention of the national legislature at an early day.

Approved March 5, 1874.

NUMBER XXVI.

A JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO MAKE AN APPROPRIATION FOR IMPROVING THE NAVIGATION OF THE RIVER AND LAKE ST. CROIX.

WHEREAS, The St. Croix river and lake form a continuous navigable stream from the village of Taylor's Falls, in the state of Minnesota, to the City of Prescott, in the State of Wisconsin, where said Lake St. Croix empties into the Mississippi river; and

WHEREAS, Said St. Croix river and lake form the boundary line between the states of Minnesota and Wisconsin, and the unobstructed navigation of said lake and river is of great importance to the inhabitants of both of said states, and absolutely necessary to the agricultural and lumbering interests of the several counties bordering on said lake and river, whose commerce now aggregates millions of dollars per annum, and that railway connections with the navigation at the city of Hudson, in the state of Wisconsin, and at the city of Stillwater, in the state of Minnesota, render free navigation of said lake and river of great importance to the general commercial interests of the people of both the states of Wisconsin and Minnesota; and

WHEREAS, There are obstructions to the free navigation of said river and lake, consisting of a sand-bar in said lake near the village of Afton, in said state of Minnesota, and a sand-bar in said lake, known as Willow River Bar, near the city of Hudson, in the state of Wisconsin; and that the obstructions to the free navigation of said river consist of snags in and trees leaning over the water in the bends of said river; also, abandoned piers sunk in the channel of said river, as well as a number of sand-bars between the head of Lake St. Croix and Taylor's Falls in said river, as to make said river nearly impassable for a large portion of the year, when the free navigation of said river is very desirable to a large population in the states of Minnesota and Wisconsin, above the city of Stillwater, who have no other public facilities for transportation or travel than that offered by the said St. Croix river; and

WHEREAS, Said obstruction to the free navigation of said river and lake can be removed at a small cost to the general government, by the use of the dredge boat used in the removal of sand-bars in the Mississippi river, near the mouth of said Lake St. Croix, and by the use of the snag boat employed for the purpose of removing snags on the Upper Mississippi river; now therefore.

Be it resolved by the Legislature of the State of Minnesota:

That the senators and representatives of this state in congress be requested to use their influence to secure, at the present session of congress, such legislation as will provide for the improvement of the navigation of said St. Croix river and lake, at as early a date as may be practicable.

Approved March 9, 1874.

NUMBER XXVII.

A JOINT RESOLUTION FOR A MAIL ROUTE FROM WILLMAR, IN KANDIYOH COUNTY, TO VICKSBURG, IN RENVILLE COUNTY.

Be it resolved by the Legislature of the State of Minnesota :

That our senators and representatives in congress, be requested to use their efforts to secure the establishment of a mail route from Willmar, in Kandiyohi county, to Vicksburg, in Renville county.

Resolved further, That the secretary of state be requested to forward a copy of these resolutions to each of our senators and representatives in congress.

Approved March 9, 1874.

NUMBER XXVIII.

JOINT RESOLUTION.

WHEREAS, It is a well established fact that the military reservation on the east side of the Mississippi river, in Morrison and Crow Wing counties, in the state of Minnesota, known as Fort Ripley, is of no further use to the United States; and

WHEREAS, The said reservation should be opened to actual settlement for homestead and pre-emption; therefore

Be it resolved by the House of Representatives of the State of Minnesota, (the Senate concurring) :

That our senators and representatives in congress are requested to use their best endeavors to secure the vacation of said military reservation, that the same may be opened for actual settlement and cultivation under the homestead and pre-emption laws of the United States; and that they so provide that none of said lands shall be appropriated or used for railroad grants heretofore made, or which may be hereafter granted.

Approved March 9, 1874.

NUMBER XXIX.

JOINT RESOLUTION.

WHEREAS, Under joint resolution of congress, of February 9, 1870, and act of congress, of June 10, 1872, the secretary of war has established, and is from time to time extending and perfecting a system of meteorological observations, reports, and storm signals throughout the states and territories, for the benefit of commerce and agriculture, in charge of the chief signal officer of the army; therefore,

Be it resolved by the Legislature of the State of Minnesota:

That our senators and representatives in congress, are requested to use their influence to have the signal service observer's office at St. Paul made a distributing office for distributing throughout the state of Minnesota the "synopsis" and "probabilities" issued by the signal office at Washington.

Approved March 9, 1874.

NUMBER XXX.JOINT RESOLUTION RELATING TO STORING GRAIN THAT MIGHT
BE TRANSPORTED OVER THE ST. PAUL AND PACIFIC RAILROAD.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. WHEREAS, On the 30th day of December, 1865, the First Division of the St. Paul and Pacific Railroad Company entered into a written contract whereby one William B. Litchfield was to have the sole and exclusive privilege of receiving, storing and re-shipping all the grain which might be transported over the said road for the period of twenty years thereafter, and for which the said Litchfield was to receive rates exorbitantly high.

AND WHEREAS, Said contract continued in force until the twentieth day of April, A. D. eighteen hundred and sixty-eight, when the same was cancelled and two other written contracts entered into between the said company and William F. Davidson, whereby the said Davidson and his associates were to erect and own all the elevators and grain houses on said road, and to have the exclusive right of receiving, storing and shipping all the grain which came to said road, and whereby the said company agreed not to erect any grain houses or elevators of its own, nor afford facilities for, nor allow others so to do, nor receive grain for transportation itself, west of Minneapolis.

AND WHEREAS, Said company has faithfully lived up to and abided by said written contract, from the date thereof to the present time, to the great injury and oppression of the people along the lines of said road.

AND WHEREAS, The said actings and doings are a misuser of their chartered rights, and a usurpation of powers resulting in the establishment of a gigantic monopoly, contrary to law and the best interests of the people; therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That the attorney general be and he is hereby instructed to immediately commence judicial proceedings in the proper court for the purpose of vacating the charter of the said First Division of the St. Paul and Pacific Railroad Company; or commence such other proceedings as may be proper to put an end to, and remedy the abuses above mentioned and complained of against said company.

Approved March 9, 1874.

NUMBER XXXI.

A JOINT RESOLUTION REQUESTING THE RAILROAD COMMISSIONER TO FURNISH THE STATE AUDITOR LISTS OF CERTAIN LANDS.

Be it resolved by the Legislature of the State of Minnesota:

That the railroad commissioner is requested to make out and deliver to the state auditor forthwith, a list of all lands in this state heretofore granted by the United States, or by the state, or by both,

to any railroad company, to aid in the construction of any railroad in this state, which have become or been subject by law to taxation at any time since the year one thousand eight hundred and sixty-six, as far as the same may be known to such commissioner, and which, in any year since that year, when the same have been subject to taxation, have not been listed for taxation; and that such commissioner be requested to specify in such list, the time when, as near as he can ascertain the same, such lands became subject to taxation; and

Be it further resolved, That in case a board of railroad commissioners be created by law, the list hereinbefore mentioned be furnished by such board.

Approved March 9, 1874.

NUMBER XXXII.

JOINT RESOLUTION IN REFERENCE TO THE PINE-BEARING LANDS BELONGING OR HELD IN TRUST BY THE STATE OF MINNESOTA.

Be it resolved by the Legislature of the State of Minnesota:

SECTION 1. That from and after the passage of this resolution, no permits shall be issued in behalf of the state of Minnesota to any parties to authorize them to cut pine timber upon any lands owned by the state or held by the state as school land, university land, internal improvement land, or otherwise, and all such permits now outstanding are hereby cancelled so far as it is in the power of the state to cancel the same.

SEC. 2. It shall be the duty of the surveyors general of logs and lumber of this state, within their respective districts, to guard and protect the said land bearing pine, enumerated in the first section of this resolution, and to arrest all trespassers upon the same, and to seize and hold in behalf of the state, all logs cut upon said lands in violation of this act; and they shall report all their acts in connection therewith to the auditor of state, who shall embody the same in his annual report to the governor.

SEC. 3. Section 52 of chapter XXXVIII of the revised statutes of 1866, authorizing the commissioner of public lands of the state to sell pine timber on school and other lands, is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

NUMBER XXXIII.

JOINT RESOLUTION REQUESTING THE SENATORS AND REPRESENTATIVES IN CONGRESS, REPRESENTING MINNESOTA, TO USE THEIR EFFORTS TO SECURE A POST ROUTE IN THE COUNTIES OF SIBLEY, McLEOD AND RENVILLE.

Be it resolved by the Legislature of the State of Minnesota :

That our senators and representatives in congress are requested to use their efforts to secure a post route from Henderson, in Sibley county, and thence by way of Prairie Mound, Mountville, Transit and Round Grove, via McLeod county, to Beaver Falls, in Renville county, a total distance of about fifty miles.

Resolved, That the postmaster general is respectfully requested to establish post offices at Prairie Mound, in Sibley county, and Round Grove, in McLeod county ; and to place the requisite service on said route so soon as the route shall be duly authorized by act of congress.

Resolved, That the governor of this state be requested to forward copies of these resolutions to our senators and representatives in congress, and to the postmaster general.

Approved March 9, 1874.

NUMBER XXXIV.

JOINT RESOLUTION AUTHORIZING THE APPOINTMENT OF AN AGENT TO PROSECUTE CERTAIN CLAIMS AGAINST THE UNITED STATES.

WHEREAS, The government of the United States, in receiving

this state and certain other western states into the union, stipulated in their several acts of admission to pay them five per cent. upon the sales of the public lands situate therein, the consideration therefor being non-taxation of public lands, non-interference with the primary disposal of the soil, and no discrimination against non-resident tax payers; and

WHEREAS, Large bodies of the public lands in this and other states have been located with military land warrants issued by the United States, or set apart by the United States for permanent Indian reservations, or for other purposes, on which said five per cent. has not been paid; and

WHEREAS, Such disposal of said lands of the United States, has in many cases not been a donation, but virtually a sale, for which the United States has received a consideration in the way of military services rendered, or otherwise, while the states have received no benefit, but suffered injury; and

WHEREAS, In the opinion of officials and citizens of various states interested, these premises constitute a reasonable ground for the presentation of a claim against the United States for five per centum of the cash value of the lands so disposed of, which claim, if its validity shall be established in congress or in the courts, will yield a large sum of money to the internal improvement fund of this state; therefore

Resolved by the Legislature of the State of Minnesota:

That the governor be and he is hereby authorized and empowered to appoint an agent or attorney to co-operate with the agents or attorneys of other states, appointed for a like purpose, in presenting and prosecuting said claim against the United States, stipulating with said agent or attorney for a reasonable compensation for his services, which compensation however, shall, by such stipulation, only be paid in case of successful issue of said prosecution, and only out of moneys realized from the payment of said claim, and not otherwise.

Approved March 9, 1874.

NUMBER XXXV.

JOINT RESOLUTION FOR THE RELIEF OF DESTITUTE EMIGRANTS.

WHEREAS, Most of the emigrants coming to Minnesota have been attracted by the emigration documents published and annually distributed by the state; and

WHEREAS, Among this large number of emigrants many cases of destitution occur, from various sources, such as loss of baggage, loss of money by sharpers on railroad trains, over charges by transportation companies, sickness, or even death while in transit; and

WHEREAS, Emigrants thus afflicted expect aid and assistance from the state authorities; and

WHEREAS, Common humanity requires that the state makes provision for such cases of misfortune; therefore

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The sum of one thousand dollars is hereby appropriated and placed at the disposal of the governor, to be used by him for the relief of such cases of destitution and suffering among emigrants, which, in his opinion require the intervention and protection of the state.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

NUMBER XXXVI.

JOINT RESOLUTION.

WHEREAS, The governor of this state, in the year A. D. eighteen hundred and seventy-three, did offer in behalf of said state, to pay a reward of two hundred and fifty dollars for the arrest and return to this state of Geo. W. Donahue and A. J. Donahue, accu-

sed and indicted for the murder of James Flynn, in the county of Meeker, and who had fled from the state and were concealed out of the same, to avoid the punishment for said crime; and

WHEREAS, M. Baldwin, of said county, did, pursuant to the offer to pay said reward, pursue and capture the said criminals in the state of Kentucky, and return them to this state and deliver them to the proper legal authorities of said county, one of whom has been tried, convicted and sentenced to the state prison therefor, (the other now under bail to appear at court;) and

WHEREAS, The said reward has not yet been paid by the state; now, therefore,

Be it resolved by the Legislature of the State of Minnesota:

That two hundred and fifty dollars be and is hereby appropriated to the said M. Baldwin, or his assigns, to be paid out of the state treasury out of any money not otherwise appropriated.

Approved March 5, 1874.

STATE OF MINNESOTA,
OFFICE OF THE SECRETARY OF STATE, }
SAINT PAUL, May 12, 1874.

I hereby certify that the foregoing laws and joint resolutions have been carefully compared with the originals on file in this office, and that the same are true and correct copies thereof.

S. P. JENNISON,
Secretary of State.

NOTE.—The letters and words included in [] brackets, in this volume of general laws, are not in the bills approved by the governor and filed with the secretary of state. They are found in the engrossed bills, but were omitted or incorrectly copied in enrollment.

TREASURERS' REPORT.

STATE OF MINNESOTA,
TREASURER'S OFFICE,
ST. PAUL, DEC. 1, 1873. }

To the Honorable Senate and House of Representatives:

GENTLEMEN:—I have the honor to submit herewith report of transactions of this office under the administration of my predecessor during the months of December, 1872, and January, February and March, 1873, as shown by the books of this office.

The receipts are as follows:

For Revenue Fund,	-	-	-	-	-	\$71,657 09
For Interest Fund,	-	-	-	-	-	10,776 21
For Sinking Fund,	-	-	-	-	-	5,388 15
For State Institutions Fund,	-	-	-	-	-	91,255 48
For Permanent School Fund,	-	-	-	-	-	15,603 22
For General School Fund,	-	-	-	-	-	26,932 35
For Permanent University Fund,	-	-	-	-	-	390 88
For General University Fund,	-	-	-	-	-	3,019 87
Total,	-	-	-	-	-	\$225,023 25
Balance in Treasury, Dec. 1, 1872,	-	-	-	-	-	243,300 06
Grand total,	-	-	-	-	-	\$468,323 31

The disbursements were as follows:

From Revenue Fund,	-	-	-	-	\$94,920 12
From Interest Fund,	-	-	-	-	8,750 00
From State Institutions Fund,	-	-	-	-	20,831 44
From Permanent School Fund,	-	-	-	-	31,585 00

From General School Fund,	-	-	-	19,574	36
From General University Fund,	-	-	-	8,500	00
From Internal Improvement Fund,	-	-	-	2,000	67
From Interest on Railroad Bonds,	-	-	-	770	00
Total,	-	-	-	\$186,931	59
Leaving Balance in Treasury, April 1, 1873,	-	-	-	281,391	72
Grand Total,	-	-	-	\$468,323	31

Balance belonging to Funds as follows :

To Revenue Fund,	-	-	-	-	\$6,376	39
To Interest Fund,	-	-	-	-	3,466	11
To Sinking Fund,	-	-	-	-	14,387	41
To State Institutions Fund,	-	-	-	-	89,017	74
To Permanent School Fund,	-	-	-	-	124,986	66
To General School Fund,	-	-	-	-	21,724	16
To Permanent University Fund,	-	-	-	-	9,715	58
To General University Fund,	-	-	-	-	2,016	31
To Internal Improvement Fund,	-	-	-	-	9,205	08
To Interest on Railroad Bonds,	-	-	-	-	496	28
Total,	-	-	-	-	\$281,391	72

REVENUE FUND.

Receipts.

From County Treasurers, see State-					
ment "A."	-	-	-	\$70,045	15
From miscellaneous sources, see					
statement "B."	-	-	-	1,611	94
Balance in Treasury, December 1,					
1872,	-	-	-	29,639	42
Total,	-	-	-	\$101,296	51
				\$101,296	51

Disbursements.

Paid State Auditor's warrants,	-	-	-	\$94,920	12
Leaving balance in Treasury, April 1, 1873,	-	-	-	\$6,376	39

INTEREST FUND.

Receipts.

From County Treasurers, see statement			
"A,"	-	-	\$10,776 21
Balance in Treasury, Dec. 1, 1872,	-		1,439 90
Total,	-	-	\$12,216 11 \$12,216 11

Disbursements.

Paid State Auditor's warrants,	-	-	\$8,750 00
Leaving balance in Treasury, April 1, 1873,	-		\$3,466 11

SINKING FUND.

Receipts.

From County Treasurers, see statement			
"A,"	-	-	\$5,388 15
Balance in Treasury, Dec. 1, 1872,	-		8,999 26
			\$14,387 41 \$14,387 41
Balance in Treasury, April, 1, 1873,	-	-	\$14,387 41

STATE INSTITUTIONS' FUND.

Receipts.

From County Treasurers, see statement			
"A,"	-	-	\$21,552 23
From miscellaneous sources, see state-			
ment "B,"	-	-	69,703 25
Balance in Treasury, Dec. 1, 1872,			18,593 70
Total,	-	-	\$109,849 18 \$109,849 18

Disbursements.

Paid State Auditor's warrants,	-	-	\$20,831 44
Leaving balance in Treasury, April 1, 1873,	-		\$89,017 74

PERMANENT SCHOOL FUND.

Receipts.

From County Treasurers, see statement		
"A," - - -	\$2,899 58	
From miscellaneous sources, see statement		
"B," - - -	12,703 64	
Balance in Treasury, Dec. 1, 1872,	140,968 44	
Total, - - -	\$156,571 66	\$156,571 66

Disbursements.

Jan. 6, paid for \$10,000 Missouri State Bonds, - - -	\$10,202 50	
Jan. 11, paid for \$23,000 Missouri State Bonds, - - -	\$21,382 50	\$31,585 00
Leaving balance in Treasury, April 1, 1873, -		\$124,986 66

The following securities were held by the Permanent School Fund, and turned over by my predecessor:

	Par Value.
Minn. 7 per cent. bonds, loan of 1867, currency, -	\$100,000
Minn. 7 per cent. bonds, loan of 1868, currency, -	100,000
Minn. 7 per cent. bonds, loan of 1869, currency, -	50,000
U. S. 6 per cent. bonds of '81, registered, gold, -	10,000
U. S. 5-20 bonds, registered, 6 per cent. gold, -	77,800
U. S. 6 per cent. currency bonds, registered, -	355,000
6 per cent. Missouri State bonds, - - -	159,000

GENERAL SCHOOL FUND.

Receipts.

From County Treasurers, see statement		
"A," - - -	\$628 91	
From miscellaneous sources, see statement		
"B," - - -	26,303 44	
Balance in Treasury, Dec. 1, 1872, from Apportionment School Fund, -	1,100 92	
Balance in Treasury, Dec. 1, 1872, -	13,265 25	
Total, - - -	\$41,298 52	\$41,298 52

APPENDIX.

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Disbursements.

Paid March Apportionment, -	\$19,197 86	
Paid exchange and commission on \$34,000 Missouri State bonds purchased for Permanent School Fund, -	121 50	
Paid expressage from New York on \$159,- 000 Missouri State bonds, -	255 00	
Total, - - - -		\$19,574 36
Leaving balance in Treasury, April 1, 1873,		\$21,724 16

PERMANENT UNIVERSITY FUND.

Receipts.

From County Treasurers, see statement "A," - - - -	\$390 88	
Balance in Treasury, Dec. 1, 1872, -	9,324 70	
Total, - - - -	\$9,715 58	\$9,715 58
Balance in Treasury, April 1, 1873, -		\$9,715 58

Also holds \$5,000 U. S. 6 per cent. currency bond, registered.

GENERAL UNIVERSITY FUND.

Receipts.

From County Treasurers, see statement "A." - - - -	\$371 12	
From miscellaneous sources, see statement "B," - - - -	2,648 75	
Balance in Treasury, Dec. 1, 1872, -	7,496 44	
Total, - - - -	\$10,516 31	\$10,516 31

Disbursements.

Paid State Auditor's warrants, - - -	\$8,500 00	
Leaving balance in treasury, April 1, 1873, -		\$2,016 31

APPENDIX.

INTERNAL IMPROVEMENT FUND.

Receipts.

Balance in Treasury, Dec. 1, 1872,	-	-	\$11,205 75
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Disbursements.

Paid State Auditor's warrants,	-	-	2,000 00
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Leaving balance in Treasury, April 1, 1873,	-	-	\$9,205 00
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INTEREST ON RAILROAD BONDS.

Receipts.

Balance in Treasury, Dec. 1, 1872,	-	-	\$1,266 20
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Disbursements.

Paid coupons of registered bonds issued by town of Spring Valley, Fillmore county,	-	-	\$770 00
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Leaving balance in Treasury, April 1, 1873,	-	-	\$496 20
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Respectfully submitted,
 WILLIAM SEEGER,
 Treasurer of State.

APPENDIX.

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Recapitulation of Receipts, Expenditures and Balances in Treasury of all the State Funds, from December 1st, 1872, to April 1st, 1873.

FUNDS.	Balances in Treasury, Dec. 1, 1872.	Receipts from County Treasurers.	Receipts from Miscellaneous sources.	Total Receipts	Expenditures.	Balance in Treasury April 1, 1873.
Revenue.....	\$29,689 42	\$70,045 15	\$1,611 94	\$71,657 09	\$94,920 12	\$6,376 39
Interest.....	1,489 80	10,776 21	.....	12,216 11	8,760 00	2,466 11
Sinking	8,999 26	5,388 15	.....	14,387 41	.....	14,387 41
State Institutions.....	18,598 70	21,552 28	69,708 25	109,849 18	20,831 44	89,017 74
Permanent School	140,968 44	2,889 58	12,708 64	156,571 66	31,585 00	124,986 66
Apportionment School.....	1,100 92	.....	.....	.....	.....	.....
General School.....	13,265 25	628 91	26,303 44	41,298 52	19,574 36	21,724 16
Permanent University	9,824 70	890 88	.....	9,715 58	.....	9,715 58
General University	7,496 44	871 12	2,648 75	10,516 31	8,500 00	2,016 31
Internal Improvements.....	11,208 75	.....	.....	11,208 75	2,000 67	9,208 08
Interest on R. R. Bonds.....	1,266 28	.....	.....	1,266 28	770 00	496 28
Total.....	\$243,300 06	\$112,052 23	\$112,971 02	\$468,823 31	\$186,981 59	\$281,391 72

EXPENDITURES FROM DECEMBER 1, 1872, TO APRIL 1, 1873.

Legislative Fund, 1873.....	\$54,474 29
Governor's Salary, 1873.....	250 00
Governor's Salary, 1873.....	500 00
Auditor's Salary, 1872.....	135 00
Secretary's Salary, 1872.....	150 00
Treasurer's Salary, 1872.....	83 33
Treasurer's Salary, 1873.....	875 00
Attorney General's Salary, 1872.....	250 01
Adjutant General's Salary, 1872.....	125 00
Superintendent Public Instruction's Salary, 1872.....	208 35
Land Commissioner's Salary, 1872.....	83 33
Railroad Commissioner's Salary, 1872.....	250 00
Railroad Commissioner's Salary, 1873.....	500 00
Librarian's Salary, 1872.....	66 65
Librarian's Salary, 1873.....	66 65
Janitor's Salary, 1872.....	66 65
Janitor's Salary, 1873.....	166 65
Night Watch and Engineer's Salary, 1873.....	336 00
Assistant Secretary's Salary, 1872.....	83 33
Assistant Secretary's Salary, 1873.....	166 65
Governor's Private Secretary's Salary, 1872.....	125 00
Governor's Private Secretary's Salary, 1873.....	375 00
Statistician's Salary, 1872.....	83 33
Statistician's Salary, 1873.....	100 00
Auditor's Chief Clerk's Salary, 1872.....	125 00
Auditor's Chief Clerk's Salary, 1873.....	250 00
Deputy Treasurer's Salary, 1872.....	83 33
Deputy Treasurer's Salary, 1873.....	375 00
Public Instruction Clerk's Salary, 1872.....	100 00
Auditor's Clerk's Salary, (deficiency 1872).....	448 00
Night Watch and Engineer's Salary, (deficiency 1872).....	315 00
Military Storekeeper's Salary, 1872.....	50 00
Attorney General's Clerk's Salary, 1872.....	33 33
Executive Contingent, 1872.....	84 55
Secretary's Contingent, 1872.....	99 99
Auditor's Contingent, 1872.....	33 77
Auditor's Contingent, 1873.....	36 59
Executive Contingent, 1873.....	599 88
Attorney General's Contingent, 1873.....	643 68
Treasurer's Contingent, 1873.....	36 19
Public Instruction Contingent, 1872.....	61 36
Public Instruction Contingent, 1873.....	12 00

Adjutant General's Contingent, 1872.....	53 75
Adjutant General's Contingent, (deficiency 1872).....	119 75
Library Contingent, 1872.....	167 29
Library Contingent, 1873.....	26 51
Salaries of Judges, 1872.....	5,000 05
Salaries of Judges, 1873.....	1,416 66
Railroad Commissioner's Contingent, 1873.....	100 00
Clerk Supreme Court Salary, 1872.....	66 65
Reporter Supreme Court Salary, 1872.....	150 00
Law Library, 1872.....	29 88
Supreme Court Contingent, 1872.....	23 80
Supreme Court Contingent, 1873.....	12 00
Printing Executive Documents, 1872.....	420 86
Printing for Legislature, 1872.....	331 06
Printing Laws and Journals, 1872.....	308 36
Printing and Advertising, 1872.....	975 75
Preparing Laws and Journals, 1872.....	300 00
Soldiers' Orphans, 1872.....	2,422 46
Soldiers' Orphans, 1873.....	1,066 25
Prison Officers, 1872.....	998 41
Insane Support, 1873.....	6,000 00
Deaf, Dumb and Blind Support, 1873.....	4,000 00
1st Normal School Support, 1873.....	3,849 32
2d Normal School Support, 1873.....	2,500 00
Interest on Loans, 1872.....	3,750 00
Immigration, 1872.....	909 34
Relief of Sufferers by Storm, 1873.....	5,000 00
Repairs of Capitol, 1872.....	5 00
Fuel and Lights, 1872.....	472 56
Sheriffs' Fund, 1872.....	461 36
Agricultural Societies, 1872.....	68 97
Selling State Lands, 1872.....	667 80
Historical Society, 1872.....	268 45
Revising War Records, 1872.....	190 00
Expressage, 1872.....	55 50
2d Normal School Building, 1871.....	600 00
Rent of Governor's House, 1872.....	200 00
Rent of Arsenal, 1872.....	50 00
Prosecuting War Claims, 1872.....	300 00
State Arms, 1872.....	58 35
Heating Capitol, 1871.....	45 50
Selling State Lands, 1871.....	133 15
Locating Lands, 1870.....	216 00
Selecting University Lands, 1873.....	350 20
Repairs of Capitol, 1873.....	117 50
Express and Mileage, 1873.....	7 00
Fuel and Lights, 1873.....	28 00
Seed Wheat Certificates, 1873.....	86 50
Mrs. M. R. Smith, 1873.....	500 00
Printing, Advertising and Binding, 1873.....	6,489 59
Duluth Harbor, 1873.....	500 00
Reward Arrest Murderer Cook Family, 1873.....	600 00
W. P. Clough, 1873.....	150 00
John L. Thorn, 1873.....	1,044 00
Repairs Secretary's Office, 1873.....	6 80
Root River Bridge, 1873.....	1,000 67
Presidential Electors, (deficiency 1872).....	162 00
State Board of Health, (deficiency 1872).....	316 75
Salaries of Judges, (deficiency 1872).....	1,458 33
Repairs of Capitol, (deficiency 1872).....	897 79
Permanent School Fund.....	31,585 00

General School Fund.....	19,574
General University Fund.....	8,600
Internal Improvements.....	1,000
Interest on Railroad Bonds.....	779
Total.....	\$100,000

Showing in detail the receipts into the Treasury from the 1st day of December, 1872, to the 31st day of March, 1873, from County Treasurers on State Auditor's drafts.

COUNTIES.	Date of Payment.	Revenue.	Interest.	Sinking.	State Institutions.	Permanent School.	General School.	Permanent University.	General University.	Internal Improvements.	Total.
Arkansas.....	A. D. 1,916	19	\$468 50	\$72 12	\$36 06						\$721 29
Becker.....	" 1,901	31	199 21	80 65	15 32						806 48
Benton.....	" 1,926	2	436 73	67 19	33 60						818 98
Carlton.....	" 1,928	30	103 01	15 85	7 98				\$143 09		108 48
Carter.....	" 1,928	37	1,421 71	218 73	109 36						2,187 96
Chippewa.....	" 1,937	96	374 79	43 37	31 14						423 76
Chicago.....	" 1,946	20	1,634 96	249 99	125 00						2,606 92
Clay.....	" 1,921	"	1,238 78	34 73	17 37						847 28
Codenwood.....	" 1,932	"	94 65	14 56	7 38						146 61
Dodge.....	" 1,925	29	1,311 01	201 70	106 85						2,016 96
Faribault.....	" 1,901	February 14									1,880 59
Fillmore.....	" 1,901	31	4,828 38	743 05	371 03						7,786 91
Hennepin.....	" 1,917	"	5,576 93	868 00	489 00						8,879 89
Houston.....	" 1,902	"	3,312 88	509 66	254 83						4,096 65
Kandiyohi.....	" 1,904	"	880 74	127 81	63 91						1,088 94
McLeod.....	" 1,905	"	1,096 87	168 60	84 80						1,907 67
Martin.....	" 1,922	"	247 36	38 05	19 03						380 55
Meeker.....	" 1,900	"	976 88	160 29	75 14						1,508 89
Millie Lake.....	" 1,948	"	8 24	1 37	64						13 68
Morrison.....	" 1,980	"	351 06	54 00	37 00						540 06
Mower.....	" 1,919	"	2,544 25	391 43	195 72						3,931 60
Pine.....	" 1,949	"	565 16	86 43	43 24						894 84
Pope.....	" 1,940	"	526 28	80 97	161 93						809 66
Ramsey.....	" 1,940	"	81,797 35	5,045 75	2,522 87						90,457 46
Renville.....	" 1,918	"									885 59
Scott.....	" 1,910	January 26									146 46
Shelby.....	" 1,909	March 14	1,649 37	393 75	136 88						2,887 49
Sherburne.....	" 1,909	March 14									151 96
Sibley.....	" 1,909	January 14	1,079 58	166 05	83 04						1,680 81
Stearns.....	" 1,942	March 23	185 61	13 17	6 86						131 70
Swift.....	" 1,942	"	367 02	25 77	14 39						287 72
Todd.....	" 1,902	"	309 93	47 63	23 80						415 97
Wadena.....	" 1,921	"	306 73	139 35	60 68						1,013 47

STATEMENT "A."

Showing in detail the receipts into the Treasury from the 1st day of December, 1872, to the 31st day of March, 1873, from County Treasurers on State Auditor's Drafts.—Continued.

Counties.	Date of Payment.	Revenue.	Interest.	Sinking.	State Institutions.	Permanent School.	General School.	Permanent University.	General University.	Internal Improvements.	Total.
Washington	18 A. D. 1,929 March	\$4,121 66	\$634 10	\$317 05	\$1,968 20	.....	\$47 86	.....	.....	.....	\$6,388 97
Wasconwan	" " 1,945	438 22	66 50	83 23	131 79	.....	.....	.....	.....	.....	938 13
Wright	" " 1,928	1,970 66	210 86	108 43	431 71	\$6 60	.....	.....	\$286 87	.....	2,108 66
Yellow Medicine	" " 1,968	90 13	13 87	0 94	27 78	.....	.....	.....	.....	.....	138 61
		\$70,045 15	\$10,776 21	\$5,383 15	\$21,552 28	\$3,860 58	\$628 91	\$390 88	\$371 13	.....	\$112,082 23
RECAPITULATION.											
Received from counties, "A",	.....	\$70,045 15	\$10,776 21	\$5,383 15	\$21,552 28	\$2,899 58	\$628 91	\$390 88	\$371 13	.....	\$112,082 23
Received from miscellaneous sources, "B",	.....	1,611 94	.....	.....	66,708 26	12,708 64	26,808 44	.....	9,548 76	.....	119,971 08
Total,	.....	\$71,657 09	\$10,776 21	\$5,383 15	\$21,552 48	\$15,608 22	\$28,693 35	\$390 88	\$3,919 87	.....	\$236,028 95

STATEMENT "B."
Receipts from Miscellaneous Sources.

Date.	From what source.	Revenue.	Inter- est.	Sinking.	State Insti- tutions.	Perm't School.	General School.	Perm't Univer- sity.	General Univer- sity.	Total.
1873-3.										
Decem'r 30	Mons Little, stampage.....					\$1,000 00				\$1,000 00
" 30	Crowell & Philbrick, stampage.....					374 15				374 15
January	Interest Minnesota loan, 1867.....						\$3,500 00			3,500 00
" 1	Interest Minnesota loan, 1868.....						3,500 00			3,500 00
" 1	Interest Minnesota loan, 1869.....						1,750 00			1,750 00
" 18	Tortius, Staples & Co., stampage.....					2,815 50				2,815 50
" 18	Todd, Connor, Gaines & Co., stampage.....								\$5,498 75	5,498 75
" 13	Day & O'Leary, stampage.....					721 70				721 70
" 14	Harvey, Staples & Beau, stampage.....					4,677 21	164 05			4,841 26
" 15	Interest on \$335,000 U. S. 5 per cent. currency bonds.....						10,650 00			10,650 00
" 15	Interest on \$37,000 U. S. 5-30 bonds (gold).....						2,634 00			2,634 00
" 15	Premium at 11 per cent.....						289 74			289 74
" 15	Interest on \$3,000 U. S. 5 per cent. currency bonds.....								150 00	150 00
" 18	U. S. Government for board of U. S. C. O.....	\$549 69								549 69
February 4	St. Paul Lumber Co., stampage.....					2,082 49	8,750 00			3,760 00
" 4	St. Paul Lumber Co., interest.....									2,063 49
" 7	Teutonia Life Insurance Co. of Chicago.....						65 65			65 65
" 18	Traders Insurance Co. of Chicago.....				\$9 23					9 23
" 18	German American Insurance Co. of New York.....				83 61					83 61
" 13	Fire and Marine Insurance Co. of St. Paul.....				228 94					228 94
" 14	Charles Wilcox, stampage.....				1,767 94					1,767 94
" 17	Houston & Preston, stampage.....					153 59				153 59
" 17	National Fire Insurance Co. of Hartford.....					900 00				900 00
" 17	Underwriters Agency of New York.....				214 48					214 48
" 21	Winona & St. Peter R. Co.....				975 57					975 57
March	U. S. Government for board of U. S. M. O.....	1,062 25			12,625 97					12,625 97
" 1	1st Division St. Paul & Pacific R. (Branch Line).....									1,163 26
" 1	1st Division St. Paul & Pacific R. (Main Line).....				7,947 73					7,947 73
" 1	2d Division St. Paul & Pacific R. (St. Vincent Rr.).....				6,380 02					6,380 02
" 1	1st Division St. Paul & Pacific R. (St. Vincent Rr.).....				183 99					183 99
" 1	1st Division St. Paul & Pacific R. (St. Vincent Rr.).....				84 35					84 35
" 1	1st Division St. Paul & Pacific R. (St. Vincent Rr.).....				17,853 68					17,853 68
" 1	1st Division St. Paul & Pacific R. (St. Vincent Rr.).....				325 11					325 11
" 1	St. Paul & Sioux City R. (Hastings & Dakota).....				8,459 39					8,459 39
" 1	St. Paul & Sioux City R. R.....				125 30					125 30
" 1	Continental Life Insurance Co. of New York.....				15 12					15 12
" 1	Northwestern Mut. Life Ins. Co., Milwaukee.....				1,986 02					1,986 02

STATEMENT "B."
Receipts from Miscellaneous Sources.—Continued.

Date.	From what source.	Revenue.	Inter- est.	Sinking.	State Indem- nities.	Perm't School.	General School.	Perm't Univer- sity.	General Univer- sity.	Total.
March	1 Home Insurance Co., Columbus, O.	.....	.....	.....	\$187 16	.....	.....	.....	.....	\$187 16
"	1 Milwaukee & St. Paul R. R. (River Division)	.....	.....	.....	4,156 77	.....	.....	.....	.....	4,156 77
"	14 Mutual Life Insurance Co., New York	.....	.....	.....	413 87	.....	.....	.....	.....	413 87
"	15 American Central Insurance Co., St. Louis	.....	.....	.....	428 67	.....	.....	.....	.....	428 67
"	15 Commercial Union Insurance Co., London	.....	.....	.....	96 42	.....	.....	.....	.....	96 42
"	15 Germania Life Insurance Co., New York	.....	.....	.....	229 11	.....	.....	.....	.....	229 11
"	15 Universal Life Insurance Co., New York	.....	.....	.....	180 87	.....	.....	.....	.....	180 87
"	15 Mutual Life Insurance Co., Chicago	.....	.....	.....	461 75	.....	.....	.....	.....	461 75
"	15 Connecticut Fire Insurance Co., Hartford	.....	.....	.....	61 07	.....	.....	.....	.....	61 07
"	15 Phoenix Insurance Co., Hartford	.....	.....	.....	947 19	.....	.....	.....	.....	947 19
"	15 Orient Insurance Co., New York	.....	.....	.....	379 65	.....	.....	.....	.....	379 65
"	15 Phoenix Insurance Co., Hartford	.....	.....	.....	163 10	.....	.....	.....	.....	163 10
"	15 London Assurance Corporation, London	.....	.....	.....	60 97	.....	.....	.....	.....	60 97
"	21 Chicago Life Insurance Co., Chicago	.....	.....	.....	95 41	.....	.....	.....	.....	95 41
"	21 Eclectic Life Insurance Co., New York	.....	.....	.....	185 91	.....	.....	.....	.....	185 91
"	21 Amazon Insurance Co., Cincinnati, O.	.....	.....	.....	183 73	.....	.....	.....	.....	183 73
"	21 Union Mutual Life Insurance Co., Maine	.....	.....	.....	39 30	.....	.....	.....	.....	39 30
"	21 Queen Insurance Co., London and Liverpool	.....	.....	.....	211 09	.....	.....	.....	.....	211 09
"	21 Imperial Insurance Co., London	.....	.....	.....	766 65	.....	.....	.....	.....	766 65
"	21 Royal Insurance Co., Liverpool	.....	.....	.....	190 82	.....	.....	.....	.....	190 82
"	21 Springfield Fire & Marine Ins. Co., Massachusetts	.....	.....	.....	111 09	.....	.....	.....	.....	111 09
"	21 Manbattan Fire Insurance Co., New York	.....	.....	.....	83 81	.....	.....	.....	.....	83 81
"	21 Insurance Co. of North America, Philadelphia	.....	.....	.....	910 54	.....	.....	.....	.....	910 54
"	21 Travelers Insurance Co., Hartford	.....	.....	.....	173 23	.....	.....	.....	.....	173 23
"	21 Mercantile Mut. Marine Insurance Co., New York	.....	.....	.....	243 82	.....	.....	.....	.....	243 82
"	21 Security Life and Annuity Co., New York	.....	.....	.....	100 69	.....	.....	.....	.....	100 69
"		\$1,611 94	.....	.....	\$69,703 35	\$12,703 94	\$36,303 44	.....	\$2,648 75	\$113,971 09

REPORT.

STATE OF MINNESOTA,
TREASURER'S OFFICE,
ST. PAUL, Dec. 1st, 1873. }

To the Honorable Senate and House of Representatives:

GENTLEMEN:—In obedience to the requirements of law, I have the honor to submit my report of transactions of this office from the 1st day of April to the 29th of November, 1873.

The receipts were as follows:

For Revenue Fund,	-	-	-	-	-	\$470,848 14
For Interest Fund,	-	-	-	-	-	35,913 19
For Sinking Fund,	-	-	-	-	-	18,076 29
For State Institutions Fund,	-	-	-	-	-	125,944 72
For Permanent School Fund,	-	-	-	-	-	78,429 80
For General School Fund,	-	-	-	-	-	143,364 35
For Pemanent University Fund,	-	-	-	-	-	2,524 50
For General University Fund,	-	-	-	-	-	10,530 16
For Internal Improvement Fund,	-	-	-	-	-	8,612 53
For Internal Improvement Land Fund,	-	-	-	-	-	2,578 43
For Interest on Railroad Bonds Fund,	-	-	-	-	-	10,108 43
For Inebriate Asylum Fund,	-	-	-	-	-	11,347 55
Total, -						\$918,278 09
Balance in Treasury, April 1st, 1873,	-	-	-	-	-	281,391 72

The disbursements were as follows:

From Revenue Fund,	-	-	-	-	-	\$410,247 87
From Interest Fund,	-	-	-	-	-	9,333 33

From State Institutions Fund,	-	-	-	164,839 51
From Permanent School Fund,	-	-	-	198,000 00
From General School Fund,	-	-	-	147,140 62
From Permanent University Fund,	-	-	-	12,000 00
From General University Fund,	-	-	-	10,654 25
From Internal Improvement Fund,	-	-	-	9,650 00
From Interest on Railroad Bonds Fund,	-	-	-	9,170 00
From Inebriate Asylum Fund,	-	-	-	10,235 88
Total,	-	-	-	\$981,271 46

Leaving balance in Treasury December 1, 1873, belonging to the funds as follows :

Revenue Fund,	-	-	-	-	\$66,976 66
Interest Fund,	-	-	-	-	30,045 97
Sinking Fund,	-	-	-	-	32,463 70
State Institutions Fund,	-	-	-	-	50,122 95
Permanent School Fund,	-	-	-	-	5,416 46
General School Fund,	-	-	-	-	17,947 89
Permanent University Fund,	-	-	-	-	240 08
General University Fund,	-	-	-	-	1,892 22
Internal Improvement Fund,	-	-	-	-	8,167 61
Internal Improvement Land Fund,	-	-	-	-	2,578 43
Interest on Railroad Bonds Fund,	-	-	-	-	1,434 71
Inebriate Asylum Fund,	-	-	-	-	1,111 67
Total,	-	-	-	-	\$218,398 35

REVENUE FUND.

Receipts.

From County Treasurers, see statement				
"A,"	-	-	-	\$233,588 16
From miscellaneous sources, see statement				
"B,"	-	-	-	237,259 98
Balance in Treasury, April 1, 1873,	-	-	-	6,376 39
Total,	-	-	-	\$477,224 53

Disbursements.

Paid State Auditor's Warrants,	-	-	-	\$410,247 87
Leaving balance in Treasury, Dec. 1, 1873,	-	-	-	\$66,976 66

As \$11,000 of the balance in Revenue Fund belong to the Loan of 1873, for building of Insane and Deaf, Dumb and Blind Asylums, and as no collections for this fund are made until after February next, while the expenses for the Legislature and others necessary for the State Government, will probably amount to about \$130,000, I would therefore respectfully recommend that the Treasurer be authorized to temporarily use the Sinking and other funds in his hands, to meet the demands on Revenue Fund for the time being.

INTEREST FUND.

Receipts.

From County Treasurers, see statement	
"A," - - - - -	\$35,913 19
Balance in Treasury, April 1, 1873,	3,466 11
Total, - - - - -	\$39,379 30

Disbursements.

Paid State Auditor's warrants, - - -	\$9,333 33
Leaving balance in treasury, Dec. 1, 1873, -	\$30,045 97

SINKING FUND.

Receipts.

From County Treasurers, see statement	
"A," - - - - -	\$18,076 29
Balance in Treasury, April 1, 1873, -	14,387 41
Total, - - - - -	\$32,463 70
Balance in Treasury Dec. 1, 1873, - - -	\$32,463 70

STATE INSTITUTIONS FUND.

Receipts.

From County Treasurers, see statement	
"A," - - - - -	\$71,697 21
From miscellaneous sources, see state-	

ment "B,"	-	-	-	54,247 51
Balance in Treasury April 1, 1873,	-	-	-	89,017 74
Total,	-	-	-	<u>\$214,962 46</u>

Disbursements.

Paid State Auditor's warrants,	-	-	-	\$164,839 51
Leaving balance in Treasury, Dec. 1, 1873,	-	-	-	<u>\$50,122 59</u>

There were collected during the fiscal year of 1873,

From Railroad Companies,	-	-	-	\$101,435 34
From Telegraph Companies,	-	-	-	662 40
From Insurance Companies,	-	-	-	<u>21,853 02</u>

I would respectfully call your attention to the fact that in the law passed last winter for the collection of tax on gross earnings, against Railroad Companies, there is no way provided for the collection of said tax against any company failing to make the proper returns, and I would suggest that some provision be made for such cases.

PERMANENT SCHOOL FUND.

Receipts.

From County Treasurers see statement "A,"	-	-	-	\$56,779 70
From miscellaneous sources see statement "B,"	-	-	-	21,650 10
Balance in Treasury April 1, 1873,	-	-	-	<u>124,986 66</u>
Total,	-	-	-	<u>\$203,416 46</u>

Disbursements.

May 1. Paid for \$50,000 Minnesota 7 per cent. Loan of 1873,	-	-	\$50,000 00
July 1. Paid for \$100,000 Minnesota 7 per cent. Loan of 1873,	-	-	100,000 00
Oct. 1. Paid for \$20,000 Minnesota 7 per cent. Loan of 1873,	-	-	<u>20,000 00</u>

Nov. 29. Paid for \$28,000 Minnesota 7 per cent. Loan of 1873,	-	28,000 00
Total,	- - - -	198,000 00
Leaving balance in Treasury, December 1, 1873,		\$5,416 46

The following securities are now held by the Permanent School Fund :

	<i>Par Value.</i>
Minnesota 7 per cent bonds, loan of 1867, currency,	\$100,000
Minnesota 7 per cent. bonds, loan of 1868, currency,	100,000
Minnesota 7 per cent. bonds, loan of 1869, currency,	50,000
U. S. 6 per cent. bonds of '81, registered, gold,	10,000
U. S. 5-20 bonds registered, 6 per cent. gold, -	77,800
U. S. 6 per cent. currency bonds, registered, -	355,000
6 per cent. Missouri State Bonds, - -	159,000
Minnesota 7 per cent. bonds, loan of 1873, currency,	198,000

The Permanent School Fund will doubtless be enabled to take the balance of the loan of 1873, viz., \$40,000, whenever it becomes necessary to negotiate the same.

GENERAL SCHOOL FUND.

Receipts.

From County Treasurers, see statement	
" A," - - - -	\$114,614 60
From miscellaneous sources, see state-	
ment " B," - - - -	28,749 75
Balance in Treasury April 1, 1873,	21,724 16
Total - - - -	\$165,088 51

Disbursements.

Paid State Auditor's warrants, for school apportion-	
ments, - - - -	\$147,140 62
Leaving balance in Treasury, December 1, 1873,	\$17,947 89

PERMANENT UNIVERSITY FUND.

Receipts.

From County Treasurers, see statement	
"A," - - - - -	\$2,524 50
Balance in Treasury, April 1, 1873,	9,715 58
Total, - - - - -	<u>\$12,240 08</u>

Disbursements.

Oct. 1. Paid for \$10,000 Minn. 7 per cent. loan of 1873, - - -	\$10,000 00
Nov. 29. Paid for \$2,000 Minn. 7 per cent. loan of 1873, - - -	2,000 00
Total, - - - - -	<u>\$12,000 00</u>
Leaving balance in Treasury, Dec. 1, 1873, - - -	240 08

The Permanent University Fund now holds the following securities:

U. S. 6 per cent. currency bonds, registered, - - -	\$5,000 00
Minn. 7 per cent. loan of 1873, - - -	12,000 00

GENERAL UNIVERSITY FUND.

Receipts.

From County Treasurers, see statement	
"A," - - - - -	\$7,807 52
From miscellaneous sources, see statement "B," - - - - -	2,722 64
Balance in Treasury, April 1, 1873, - - -	2,016 31
Total, - - - - -	<u>\$12,546 47</u>

Disbursements.

Paid State Auditor's warrants, - - -	\$10,654 28
Leaving balance in Treasury, Dec. 1, 1873, - - -	<u>\$1,892 19</u>

INTERNAL IMPROVEMENT FUND.

Receipts.

From miscellaneous sources, see statement "B,"	-	-	-	\$8,612 53
Balance in Treasury, April 1, 1873,				9,205 08
Total,	-	-	-	\$17,817 61

Disbursements.

Paid State Auditor's warrants,	-	-	-	\$9,650 00
Leaving balance in Treasury, Dec. 1, 1873,	-	-	-	\$8,167 61

INTERNAL IMPROVEMENT LAND FUND.

Receipts.

From County Treasurers, see statement "A,"	-	-	-	\$2,578 43
Balance in Treasury, Dec. 1, 1873,	-	-	-	\$2,578 43

INTEREST ON RAILROAD BONDS FUND.

Receipts.

From County Treasurers, see statement "A,"	-	-	-	\$10,108 43
Balance in Treasury, April 1, 1873,				496 28
Total,	-	-	-	\$10,604 71

Disbursements.

Paid State Auditor's warrants,	-	-	-	\$9,170 00
Leaving balance in treasury, December 1, 1873,				\$1,434 71

INEBRIATE ASYLUM FUND.

Receipts.

From County Treasurers, see Statement "C,"	-	-	-	\$11,347 55
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Disbursements.

July 7. U. S. 6 per cent. currency			
bond, registered, -	-	-	\$5,745 25
Aug. 16. U. S. 6 per cent. currency			
bond, registered, -	-	-	1,140 89
Sept. 11. U. S. 6 per cent. currency			
bond, registered, -	-	-	1,182 96
Nov. 19. U. S. 6 per cent. currency			
bonds, registered, -	-	-	2,216 78
Total	-	-	<u>\$10,235 88</u>
Leaving a balance in treasury, Dec. 1, 1873,	-	-	<u>\$1,111 67</u>

The Inebriate Asylum Fund now holds the following securities:

U. S. 6 per cent. currency bonds, registered, - \$9,000 00

This is a new fund, arising from a special license of ten dollars from all dealers in spirituous liquors, see chapter 10 of General Laws of 1873.

For the more effectual and general collection of this license. I would respectfully suggest that it be made the duty of the County Auditors to ascertain all delinquents and make complaint to the County Attorneys, whose duty it should be to prosecute such delinquents under this law.

The following table shows the State tax collections from 1860 to 1873, viz. :

Tax collected in 1860,	-	-	-	-	\$111,918 53
Tax collected in 1861,	-	-	-	-	100,186 83
Tax collected in 1862,	-	-	-	-	133,001 73
Tax collected in 1863,	-	-	-	-	177,170 43
Tax collected in 1864,	-	-	-	-	195,418 52
Tax collected in 1865,	-	-	-	-	218,963 33
Tax collected in 1866,	-	-	-	-	252,646 96
Tax collected in 1867,	-	-	-	-	286,447 32
Tax collected in 1868,	-	-	-	-	276,186 93
Tax collected in 1869,	-	-	-	-	318,556 86
Tax collected in 1870,	-	-	-	-	336,460 83
Tax collected in 1871,	-	-	-	-	410,069 66
Tax collected in 1872,	-	-	-	-	418,233 71
Tax collected in 1873,	-	-	-	-	467,036 59

APPENDIX.

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Recapitulation of Receipts and Expenditures in the Treasury of all the State Funds, from the 1st day of April, 1873, to the 29th day of November, 1873.

Funds.	Balance in Treasury April 1, 1873.	Receipts from County Treasurers.	Receipts from Miscellaneous Sources.	Total Receipts.	Expenditures.	Balance in Treasury December 1, 1873.
Revenue.....	\$6,376 39	\$238,668 16	\$287,249 96	\$477,224 53	\$410,247 87	\$66,976 66
Interest.....	3,466 11	36,613 19	.....	39,579 20	9,333 83	30,045 97
Sinking.....	14,387 41	19,076 29	.....	32,463 70	.....	32,463 70
State Institutions.....	89,017 74	71,697 31	54,247 51	214,962 46	164,839 51	50,123 95
Permanent School.....	124,966 66	56,779 70	31,660 10	203,416 46	193,000 00	5,416 46
General School.....	21,724 16	114,614 60	28,749 76	165,088 51	147,140 62	17,947 89
Permanent University.....	9,715 58	2,324 53	.....	12,040 08	12,000 00	240 08
General University.....	2,016 31	7,297 63	2,732 64	12,546 47	10,654 25	1,892 22
Internal Improvement.....	9,205 08	.....	8,612 53	17,817 61	9,650 00	8,167 61
Internal Improvement Land.....	.....	2,578 43	.....	2,578 43	.....	2,578 43
Interest on Railroad Bonds.....	496 28	10,108 43	.....	10,604 71	9,170 00	1,434 71
Inebriate Asylum.....	.....	11,247 53	.....	11,247 53	10,238 88	1,111 67
Total.....	\$961,391 72	\$665,035 83	\$383,943 51	\$1,199,069 81	\$965,271 46	\$313,398 35

TRANSFER OF STATE FUNDS.

On the 7th of March last, I was appointed Treasurer *ad interim*, by his Excellency Horace Austin, Governor, and received my commission the same date. I entered upon the duties of the office March 12th, on which date the accounts and official books of the Treasury were carefully examined and balanced, showing a balance due the State from Wm. Seeger, State Treasurer, of \$186,627.37-100. Of this amount the sum of \$173,044.88-100 was turned over to me on that date, and the balance of \$13,582.49 100 was paid over on the 1st day of April following, at which date Wm. Seeger also turned over to me advanced payments by County Treasurers and others, amounting to \$20,816.91-100, also \$3,944.46-100, to meet outstanding office certificates issued by him. The total amount turned over March 12th, and April 1st, for which I gave my receipt to the Board of Auditors, was \$211,388.74-100. The official books of the Treasurer and Auditor of State were examined and compared, the balances agreed and were found correct, all the funds, also the bonds belonging to the School and University Funds were examined and counted by the Board of Auditors and found correct and to agree with the records in the Treasurer's and Auditor's offices. Mr. Wm. Seeger having resigned and turned over all the funds belonging to the State, I, on the 1st day of April, assumed in full the duties of State Treasurer.

DEPOSITING STATE FUNDS IN THE BANKS.

The Board of Auditors having declined to designate banks of deposit for the State funds, or to accept proposals for interest on deposits from banks, and deeming it my duty as Treasurer of State to place the funds where they would be safe and always available, I therefore deposited them as follows: One-half in the First, one-fourth in the Second, and one-fourth in the Merchants National Banks of St. Paul, and have so continued to deposit the funds whenever received by me.

INTEREST ON DEPOSITS.

I received proposals for and accepted 4 per cent. interest from said banks, to be paid on daily balances, interest payable monthly. For the use of the funds so deposited by me for the last eight months, the State has received as interest \$7,024.39-100 (see statement "B"). This is a new source of revenue to the State, heretofore unknown. From this source more than sufficient will be realized to pay all the running expenses of the Treasury Department.

MAKING PAYMENTS FROM TREASURY.

In compliance with section 2, of chapter 24 of General Laws of 1873, all payments from the Treasury are now made in the manner therein required, viz.: on the warrant of the State Auditor, and by check on a designated depository, giving the number of the warrant.

MANNER OF KEEPING THE BOOKS.

The requirements of section 3 of chapter 34 of General Laws of 1873 have been complied with. New books were opened and a new plan of keeping them adopted; the books as kept now, show accurately each day the condition of the Treasury and the condition of each and every separate fund belonging to the State. The cash book is balanced daily, and the journal monthly. On the examination of the books by the Board of Auditors, they can see at a glance the condition of the Treasury and of the different funds. (For the application and admirable working of this system I am largely indebted to my very efficient deputy, Henry S. Hurter.)

MONTHLY STATEMENTS.

Since taking charge of the Treasury department I have published monthly a statement of the condition of the Treasury and where the funds were deposited.

BONDS GIVEN TREASURER BY BANKS.

For my own security and the more effectual guarding and safe keeping of the State funds, I have received personal bonds from the officers and stockholders of the several banks, guaranteeing the safekeeping of and the return of the funds of the State at any and all times, when called for.

THE NEW LAW.

The proposed amendment of section 12, of article 9 of the Constitution, (see chapter 4 of General Laws of 1873,) having probably been approved by vote of the people, I trust the Legislature will enact such new laws, or amend the present, so that the State Treasury will be secure from losses under any and all contingencies that may arise.

The system adopted last April, for the conduct and management of the Treasury Department, has worked so well in practice and

given such general satisfaction to the people, that I would not respectfully recommend its continuance under the new law.

In conclusion, allow me to suggest, that whatever may be the provisions of the new law governing the Treasury, I trust they will be made in the interest of the State and based on sound business principles.

All of which, with the tables hereto annexed, I respectfully submit for your consideration. .

E. W. DIKE,
Treasurer of State.

Showing in detail the Receipts into the Treasury from the 1st day of April, 1873, to the close of the Fiscal Year, November 29, 1873, from County Treasurers on State Auditor's drafts.

ANOKA COUNTY.

Date of Payment.	Revenue.	Interest.	Sinking.	State Institutions.		School.		University.		Internal Improvement Land.	Interest on Railroad Bonds.	Total.	Grand Total.
				Permanent.	General.	Permanent.	General.	Permanent.	General.				
1873.													
June 25.....	\$1,195 01	\$188 85	\$91 03	\$367 69			\$384 77					\$2,678 25	
October 24.....	777 37	119 58	59 79	289 16								1,195 80	
October 27....						\$320 67	36 64					357 31	
	1,972 38	303 43	151 73	606 85	320 67	871 41						\$4,336 36	

BECKER COUNTY.

Date of Payment.	Revenue.	Interest.	Sinking.	State Institutions.		School.		University.		Internal Improvement Land.	Interest on Railroad Bonds.	Total.	Grand Total.
				Permanent.	General.	Permanent.	General.	Permanent.	General.				
July 1.....	49 55	7 63	3 83	15 24								76 24	
	49 55	7 63	3 83	15 24								76 24	76 24

BENTON COUNTY.

Date of Payment.	Revenue.	Interest.	Sinking.	State Institutions.		School.		University.		Internal Improvement Land.	Interest on Railroad Bonds.	Total.	Grand Total.
				Permanent.	General.	Permanent.	General.	Permanent.	General.				
June 25.....	719 75	119 73	55 37	321 46								1,107 31	
October 31.....	109 52	16 86	8 43	33 69			500 90					759 39	
	829 27	127 59	63 80	355 15			500 90					1,866 70	1,866 70

STATEMENT "A."—Continued.
DAKOTA COUNTY.

Date of Payment.	Revenue.	Interest.	Sinking.	State Insti- tutions.	School.		University.		Internal Improvment Land.	Int on Railroad Bonds.	Total.	Grand Total.
					Permanent.	General.	Perman't.	General.				
1873.												
May 20.....	\$4,567 17	\$702 64	\$551 32	\$1,406 28	\$48 90	\$38 42	.....	.....	.....	.....	\$7,158 73	
August 6.....	4,373 39	673 66	336 33	1,345 32	543 73	4,427 76	.....	.....	.....	.....	11,698 06	
November 26.....	2,552 60	562 72	106 36	785 44	.....	157 76	.....	.....	.....	.....	4,064 99	
November 26.....	.....	.....	.....	.....	108 00	24 25	.....	.....	.....	.....	133 25	
	11,493 15	1,768 02	884 01	3,536 04	700 63	4,608 31	.....	.....	.....	.....	35,074 15	\$28,074 15

DODGE COUNTY.

July 11.....	2,215 00	480 00	225 00	900 00	.....	8,106 79	.....	.....	.....	.....	7,606 79	
October 29.....	1,653 83	254 43	137 23	608 86	.....	125 45	.....	.....	.....	.....	2,669 78	
November 17.....	.....	.....	.....	.....	120 00	99 06	.....	.....	.....	.....	149 06	
	4,378 83	704 43	362 23	1,408 86	120 00	3,261 30	.....	.....	.....	.....	10,435 62	10,435 62

DOUGLAS COUNTY.

May 1.....	961 27	146 26	73 16	292 69	.....	.....	.....	.....	.....	.....	1,468 49	
November 15.....	739 49	113 77	54 89	227 53	.....	.....	.....	.....	.....	.....	1,187 68	
November 15.....	212 56	38 67	16 38	65 84	.....	.....	.....	.....	.....	.....	336 60	
	1,903 11	292 79	146 40	586 56	.....	.....	.....	.....	.....	.....	9,927 86	9,927 86

STATEMENT "A."—Continued.
FARIBAULT COUNTY.

Date of Payment.	Revenue.	Interest.	Sinking.	State Indebtedness.		School.		University.		Internal Improvement Land.	Int. on Railroad Bonds.	Total.	Grand Total
						Permanent.	General.	Permanent.	General.				
1878.													
May 10.....	\$1,563 51	\$240 39	\$130 20	\$430 77	\$304 00							\$2,607 87	
July 11.....											\$679 88	679 88	
October 23.....	3,477 10	534 94	287 47	1,069 87	908 75	\$5,448 81		\$40 00	\$1,086 77		1,439 32	14,268 03	
November 29.....	1,354 94	518 07	108 54	426 13							692 68	2,823 36	
November 29.....					397 50	97 33		60 00	14 68			569 50	
6,424 55	6,424 55	988 40	494 21	1,976 77	1,510 25	5,541 13		100 00	1,101 45		2,811 88	20,948 64	\$20,948 64

FILLMORE COUNTY.

Date of Payment.	Revenue.	Interest.	Sinking.	State Indebtedness.		School.		University.		Internal Improvement Land.	Int. on Railroad Bonds.	Total.	Grand Total
						Permanent.	General.	Permanent.	General.				
July 23.....	5,850 00	990 00	450 00	1,800 00	3,484 00		7,089 27				730 00	20,238 27	
July 31.....											375 43	375 43	
November 11.....	8,047 59	468 86	284 48	937 71							365 81	5,053 90	
November 28.....					400 00	71 23						471 22	
8,897 59	8,897 59	1,868 86	684 43	2,737 71	3,864 00	7,110 49					1,460 73	26,133 81	26,133 81

FREEBORN COUNTY.

Date of Payment.	Revenue.	Interest.	Sinking.	State Indebtedness.		School.		University.		Internal Improvement Land.	Int. on Railroad Bonds.	Total.	Grand Total
						Permanent.	General.	Permanent.	General.				
April 17.....	1,546 25	237 83	118 94	475 76								2,378 83	
June 4.....											1,047 68	1,047 68	
July 23.....	2,048 00	315 06	187 54	680 16	918 50	6,571 43			1,429 86		2,986 26	14,056 83	
October 29.....	1,767 26	271 89	155 94	648 77								9,718 96	
November 19.....					631 61	140 14		540 00	121 75			1,408 33	
6,931 51	6,931 51	824 193	412 42	1,649 63	1,540 11	5,711 53		840 00	1,451 03		4,031 91	21,668 73	21,668 73

STATEMENT "A."—Continued.
GOODHUE COUNTY.

Date of Payment.	Revenue.	Interest.	Sinking.	State Institutions.	School.		University.		Internal Improvement Land.	Interest on Railroad Bonds.	Total.	Grand Total.
					Permanent.	General.	Permanent.	General.				
1873.												
April 8.....	\$6,182 98	\$951 22	\$475 61	\$1,902 41		\$63 40					\$9,575 62	
July 23....	7,959 60	1,319 94	609 97	2,459 87	\$1,503 00	5,331 89					19,033 27	
October 26....	- 3,005 09	463 39	231 16	924 64	650 00	43 96					5,847 17	
November 11....					450 00	24 18					474 18	
	17,117 64	2,683 48	1,216 74	6,906 95	2,632 00	5,403 43					34,430 24	\$34,430 24

HENNEPIN COUNTY.

June 26.....	8,464 80	1,336 12	668 06	2,672 94	1,408 00	9,387 98					17,107 90	
November 18....					1,899 60	283 67					9,182 17	
November 16....	11,821 21	1,726 34	863 17	3,459 68		181 83					17,446 28	
	19,906 01	3,062 46	1,531 23	6,134 92	3,307 60	2,752 43					36,684 60	36,684 60

HOUSTON COUNTY.

July 3.	3,743 34	575 90	287 95	1,151 80	850 00	9,846 34					9,437 38	
November 4.	817 98	126 85	62 93	251 68							1,258 44	
November 24....					936 93	173 30					1,110 12	
	4,561 32	701 75	350 88	1,403 48	1,786 93	8,021 64					11,936 89	11,936 89

STATEMENT "A."—Continued.

ISANTI COUNTY.

Date of Payment.	Revenue.	Interest.	Sinking.	State Institutions.	School.		University.		Internal Imp'ment Land.	Interest on Railroad Bonds.	Total.	Grand Total
					Permanent.	General.	General.	Perman't.				
1872.												
August 28.....	\$388 83	\$59 74	\$29 87	\$119 48	.....	.....	.....	.....	.....	.....	\$297 43	
August 28.....	252 27	38 81	19 40	77 02	.....	.....	.....	.....	.....	.....	388 19	
October 27.....	60 27	9 73	4 87	19 40	.....	.....	.....	.....	.....	.....	97 38	
	703 87	108 28	54 14	216 50	.....	.....	.....	.....	.....	.....	1,082 86	\$1,082 86

JACKSON COUNTY.

April 15.....	69 83	10 76	5 33	21 48	.....	8 24	.....	.....	.....	.....	119 68	
July 16.....	\$24 36	49 90	24 95	99 80	.....	832 61	.....	.....	.....	.....	831 02	
November 28.....	15 03	2 31	1 16	4 02	.....	5 04	.....	.....	.....	.....	36 16	
November 28.....	.....	.....	.....	.....	.....	.....	.....	.....	167 00	.....	167 00	
	409 22	69 96	31 49	125 30	.....	335 89	.....	.....	167 00	.....	1,138 15	1,138 15

KANABEC COUNTY.

May 8.....	113 96	17 53	8 77	35 04	.....	.....	.....	.....	.....	.....	175 32	
August 18.....	662 24	101 88	50 94	208 76	.....	.....	.....	.....	.....	.....	1,018 83	
October 28.....	88 67	13 64	6 98	27 28	.....	.....	.....	.....	.....	.....	136 41	
	864 87	132 05	66 53	560 10	.....	.....	.....	.....	.....	.....	1,600 00	1,600 00

STATEMENT "A."—Continued.

LE SUEUR COUNTY.

Date of Payment.	Revenue.	Interest.	Sinking.	State Institutions.	School.		University.		Internal Improvement Land.	Int. on Railroad Bonds.	Total.	Grand Total
					Permanent.	General.	Permanent.	General.				
1873.												
July 1.....	\$1,725 73	\$945 40	\$6133 75	\$459 95							\$2,651 04	
November 19.....	1,094 40	397 60	149 80	595 19	\$773 00	\$4,233 54					7,007 55	
November 29.....	632 56	95 75	47 89	191 55		25 36					953 04	
	4,252 68	658 87	859 44	1,317 72	773 00	3,253 52					10,645 53	\$10,645 53

LYON COUNTY.

August 25.....	81 64	12 56	6 26	25 19							125 60	
August 28.....	81 78	12 57	6 20	25 14							125 73	
	163 57	25 13	19 57	50 36							251 33	251 33

MCLEOD COUNTY.

July 18.....	1,419 86	218 37	109 16	486 79	544 59	3,483 82	146 50	700 90			7,080 56	
October 25.....	97 58	27 18	24 16								148 72	
November 11.....	437 84	67 86	26 66	184 73		891 28		83 28			1,148 96	
November 29.....					1,295 00	241 68	838 00	156 80			2,521 48	
	1,954 78	313 51	187 02	571 43	2,839 59	4,119 78	985 50	941 08			10,275 97	10,275 97

STATEMENT "A."—Continued.

LE SUEUR COUNTY.

Date of Payment	Revenue.	Interest.	Sinking.	State Indentures.	School.		University.		Internal Imp'ment Land.	Int. on Railroad Bonds.	Total.	Grand Total
					Permanent.	General.	Perman't	General.				
July 1, 1873.....	\$1,723 73	\$345 40	\$6133 75	\$539 96	.....	.....	.....	.....	.....	.....	\$2,651 04	
November 19.....	1,064 40	597 60	148 80	595 19	\$773 00	\$3,293 56	.....	.....	.....	.....	7,007 55	
November 29.....	632 56	95 76	47 89	191 55	.....	25 36	.....	.....	.....	.....	983 04	
	4,382 68	633 87	829 44	1,317 72	773 00	3,283 82	.....	.....	.....	.....	10,645 58	\$10,645 53

LYON COUNTY.

August 25.....	81 64	12 56	6 28	95 13	.....	.....	.....	.....	.....	.....	195 60	
August 26.....	81 75	12 57	6 29	95 14	.....	.....	.....	.....	.....	.....	195 73	
	163 37	25 13	19 57	50 26	.....	.....	.....	.....	.....	.....	251 38	251 33

MCLEOD COUNTY.

July 18.....	1,419 86	218 37	109 18	496 78	644 59	3,482 82	148 50	700 90	.....	.....	7,060 86	
October 25.....	97 56	27 18	24 16	.....	.....	.....	.....	.....	.....	.....	148 92	
November 11.....	437 84	67 86	36 68	184 72	.....	391 22	.....	83 38	.....	.....	1,148 90	
November 29.....	.....	.....	.....	.....	1,358 00	241 63	838 00	166 80	.....	.....	2,521 43	
	1,954 75	313 51	197 02	571 45	1,804 59	4,119 75	986 50	941 08	.....	.....	10,278 97	10,278 97

STATEMENT "A."—Continued.

MARTIN COUNTY.

Date of Payment.	Revenue.	Interest.	Sinking	State Insti- tutions.	School.		University.		Internal Imptment Lands	Int. on Railroad Bonds	Total	Grand Total
					Permanent	General.	Perman't	General.				
1873.												
July 7.....	\$1,063 13	\$166 63	\$83 33	\$533 36							\$2,800 23	
October 25.....	95 32	14 67	7 84	29 33							146 66	
	1,178 44	181 30	90 66	362 59							3 446 88	\$3,446 88

MEEKER COUNTY.

Date of Payment.	Revenue.	Interest.	Sinking	State Insti- tutions.	School.		University.		Internal Imptment Lands	Int. on Railroad Bonds	Total	Grand Total
					Permanent	General.	Perman't	General.				
July 14.....	1,586 00	243 84	131 98	437 69	386 00						1,042 54	7,372 05
November 11.....	820 23	49 37	24 64	98 54								492 73
November 11.....					273 00							337 82
	1,905 23	293 11	146 57	536 23	659 00						1,043 54	8,303 60
												8,902 60

MILLE LACS COUNTY.

Date of Payment.	Revenue.	Interest.	Sinking	State Insti- tutions.	School.		University.		Internal Imptment Lands	Int. on Railroad Bonds	Total	Grand Total
					Permanent	General.	Perman't	General.				
November 29.....	27 06	4 17	2 09	8 32								41 64
	27 06	4 17	2 09	8 33								41 64

STATEMENT "A."—Continued.
MORRISON COUNTY.

Date of Payment.	Revenue.	Interest.	Sinking.	State Institutions.	School.		University.		Internal Improvement Land.	Interest on Railroad Bonds.	Total.	Grand Total.
					Permanent.	General.	Permanent.	General.				
1878.												
June 26.....	\$571 02	\$103 23	\$51 62	\$306 46							\$1,033 38	
October 24.....	188 54	29 78	14 89	59 55							297 76	
	864 56	133 01	66 51	366 01							1,333 09	\$1,330 09

MOWER COUNTY.

July 26...	3,996 43	604 07	302 03	1,208 13	665 00	\$6,415 88					13,356 51	
July 30.....								\$234 47		\$373 10	373 10	
August 23.....										763 90	763 90	
November 17.....	2,231 23	350 96	175 43	701 91		13 61				606 09	4,128 28	
November 17.....	6,207 66	935 03	477 51	1,910 04	443 00	95 23					541 26	
					1,111 00	6,594 37		234 47		1,741 89	19,161 37	19,161 37

NICOLET COUNTY.

June 3.....	1,570 41	237 76	143 88	575 51							2,871 56	
July 10.....	1,797 03	276 47	138 23	553 93	343 00	3,051 79		517 50			6,606 95	
October 23.....	861 57	132 56	66 23	345 00							1,380 49	
November 15.....					730 10	24 54	390 00	87 95			841 29	
	4,549 01	606 73	348 39	1,865 33	698 10	3,176 32	390 00	615 45			11,741 22	11,741 22

STATEMENT OF A. A. COCHRAN.

NOBLES COUNTY.

Date of Payment.	Revenue.	Interest.	Sinking.	State Institutions.	School.		University.		Internal Improvement Land.	Interest on Railroad Bonds.	Total.	Grand Total.
					Permanent.	General.	Permanent.	General.				
1873.												
May 3.....	\$67 98	\$13 53	\$6 77	\$27 07							\$135 35	
	87 98	13 53	6 77	27 07							135 85	\$135 85

OLMSTED COUNTY.

May 21.....	2,860 46	440 07	220 04	880 14	20 65	587 00					4,427 08	
August 5.....	10,974 64	1,688 40	844 20	3,876 81	4,115 94	6,826 22					27,524 51	
November 5.....	751 89	115 67	57 84	231 35							1,156 75	
	14,586 99	2,244 14	1,123 08	4,488 30	4,185 89	6,830 89					33,108 29	33,108 29

OTTER TAIL COUNTY.

April 19.....	655 90	100 80	50 40	201 59							1,007 99	
June 28.....	1,033 60	169 02	79 51	318 03							1,590 16	
October 27.....	130 82	90 12	10 06	40 25							291 25	
November 29.....					2,500 75	505 18			2,410 74		5,416 67	
	1,819 69	279 94	139 97	559 87	2,500 75	505 18			2,410 74		8,216 07	8,216 07

STATEMENT "A."—Continued.

PINE COUNTY.

Date of Payment.	Revenue.	Interest.	Sinking.	State Institutions.	School.		University.		Internal Improvement Land.	Int. on Railroad Bonds.	Total.	Grand Total.
					Permanent	General.	Permanent	General.				
1878.												
November 26.....	\$662 34	\$96 81	\$43 28	\$173 08							\$965 14	
	562 34	86 81	43 28	173 08							965 14	\$965 14

POPE COUNTY.

July 15.....	602 53	101 93	50 97	203 85							1,019 28	
November 5.....	119 87	17 36	8 68	34 72							178 63	
	775 40	119 29	59 65	238 57							1,192 91	1,192 91

RAMSEY COUNTY.

July 8.....					190 00	1,187 78					1,377 78	
July 17.....	3,641 08	560 80	289 18	1,120 59							5,608 97	
October 23.....	1,895 75	282 42	141 21	564 84							2,884 22	
November 11.....						94 28					94 28	
November 29.....					1,890 80	148 77					1,839 57	
	9,477 66	549 78	431 86	1,885 43	1,890 80	1,490 78					11,498 77	11,498 77

RED WOOD COUNTY.

Date of Payment.	Revenue.	Interest.	Sinking.	State Institu- tions.	School.		University.		Internal Improvment Land.	Interest on Railroad Bonds.	Total.	Grand Total
					Permanent	General	Perma'nent	General				
April 31	\$276 83	\$42 43	\$21 22	\$84 87	...	...	...	...	...	...	\$494 86	
July 31	676 45	101 15	50 57	209 29	...	...	...	...	...	...	1,011 46	
October 31	459 88	70 75	35 87	141 50	...	...	...	...	...	...	707 50	
	1,393 16	214 33	107 16	423 16	...	...	...	...	...	...	2,143 41	\$2,143 41

RENNVILLE COUNTY.

April 19	716 56	110 24	55 12	220 48	...	...	...	...	...	...	1,102 40	
July 25	488 58	75 17	37 59	150 38	...	...	...	...	...	...	1,055 91	
October 31	87 60	13 43	6 74	26 95	...	...	...	...	...	...	139 13	
November 29	...	...	...	...	2,119 30	400 92	...	...	...	...	2,520 22	
	1,292 74	198 89	99 45	397 76	2,119 30	700 52	...	...	...	...	4,817 66	4,817 66

RICE COUNTY.

June 2	2,445 46	375 32	188 12	732 44	275 86	...	...	...	...	...	4,088 81	
July 31	9,122 46	1,408 45	701 73	2,306 90	2,947 58	4,374 24	...	...	...	...	21,366 86	
October 29	36 11	5 55	2 78	11 10	100 00	34 49	...	...	...	...	189 94	
November 17	...	...	...	...	238 39	40 80	...	...	...	...	286 75	
	11,604 02	1,789 93	892 63	3,270 44	3,549 83	4,449 22	...	...	...	...	25,951 96	25,951 96

STATEMENT "A."—Continued.

ROCK COUNTY.

Date of Payment.	Revenue.	Interest.	Sinking.	State Institutions.	School.		University.		Internal Improvement Land.	Interest on Railroad Bonds.	Total.	Grand Total.
					Permanent.	General.	Permanent.	General.				
1872.												
April 22.....	\$77 90	\$11 98	\$6 00	\$28 96							\$119 84	
July 17.....	88 86	13 59	6 80	27 18							136 93	
November 29.....	22 06	8 39	1 70	6 78							83 92	
	183 81	28 96	14 50	87 92							289 69	\$389 69

ST. LOUIS COUNTY.

May 17.....	272 48	41 92	20 96	83 84							419 20	
July 16.....	6,891 99	1,060 81	530 16	2,190 60		741 80					11,844 86	
October 20.....	349 89	58 83	26 92	107 65							538 29	
	7,514 36	1,156 06	578 08	2,812 10		741 80					19,802 35	12,802 35

SCOTT COUNTY.

July 14.....	2,043 83	314 43	157 32	628 86	920 00	2,687 68					6,461 97	
October 22.....	891 68	80 24	80 19	130 47	300 00						802 86	
November 29.....					190 00	37 10					147 10	
	2,420 80	374 67	137 51	749 83	1,240 00	2,614 78					7,001 43	7,001 43

SHERBURNE COUNTY.

Date of Payment:	Revenue.	Interest.	Sinking.	State Institutions.	School.		University.		Int. on Railroad Bonds.	Total.	Grand Total
					Permanent.	General.	Permanent.	General.			
1872.											
April 14.....	\$515 72	\$79 34	\$39 07	\$153 68	.....	.....	.....	.....	.....	\$798 41	
September 12.....	622 09	95 70	47 56	191 41	\$203 50	\$479 99	.....	.....	.....	1,689 64	
November 26.....	319 48	40 15	24 58	98 30	.....	282 80	.....	.....	.....	744 31	
November 26.....	.....	.....	.....	.....	88 00	7 45	.....	.....	.....	40 45	
	1,457 29	224 15	112 10	448 39	235 50	740 24	.....	.....	.....	8,217 71	\$8,217 71

SIBLEY COUNTY.

Date of Payment:	Revenue.	Interest.	Sinking.	State Institutions.	School.		University.		Int. on Railroad Bonds.	Total.	Grand Total
					Permanent.	General.	Permanent.	General.			
November 29.....					1,887 72	163 10	120 00	26 46	.....	1,697 28	
					1,887 72	163 10	130 00	26 46	.....	1,697 28	1,697 28

STEARNS COUNTY.

Date of Payment:	Revenue.	Interest.	Sinking.	State Institutions.	School.		University.		Int. on Railroad Bonds.	Total.	Grand Total
					Permanent.	General.	Permanent.	General.			
April 4.....	2,865 56	440 55	220 43	881 71	.....	.....	.....	.....	.....	4,408 55	
July 14.....	4,793 10	781 09	365 55	1,468 18	1,836 00	2,732 60	.....	.....	.....	11,879 52	
October 24.....	523 18	80 24	40 17	160 67	.....	.....	.....	.....	.....	808 36	
November 11.....	.....	.....	.....	.....	1,734 00	329 52	.....	.....	.....	1,963 52	
	8,189 84	1,342 26	626 15	2,504 56	3,570 00	3,062 12	.....	.....	.....	19,054 65	19,054 65

STATEMENT "A."—Continued.

STEELE COUNTY.

Date of Payment.	Revenue.	Interest.	Sinking.	State Institutions.	School.		University.		Internal Imp'ment Land.	Interest on Railroad Bonds.	Total.	Grand Total.
					Permanent.	General.	Permane't.	General.				
1873.												
April 14.....	\$3,913 51	\$341 81	\$170 65	\$632 02	\$66 25	\$78 48	.....	.....	.....	.....	\$3,587 82	
August 2.....	4,486 86	662 44	341 22	1,364 87	544 67	3,399 67	.....	.....	.....	.....	10,900 77	
October 23.....	385 00	54 02	27 31	109 22	347 60	29 04	.....	.....	.....	.....	923 78	
November 14.....	.....	.....	.....	.....	180 00	48 48	.....	.....	.....	.....	228 48	
	5,008 26	1,078 37	539 18	2,156 72	1,188 53	3,555 03	.....	.....	.....	.....	15,609 83	\$15,609 83

STEVENS COUNTY.

[illegible]

SWIFT COUNTY,

June 27.....	68 71	9 81	4 91	19 60	.....	.....	.....	98 06
October 27.....	17 80	3 06	1 28	5 81	.....	.....	.....	38 56
	50 97	12 47	6 54	94 91	.....	.....	.....	104 63

STATEMENT "A."—Continued.

TODD COUNTY.

Date of Payment.	Revenue.	Interest.	Sinking.	State Institutions.	School.		University.		Internal Improvement Land.	Interest on Railroad Bonds.	Total.	Grand Total.
					Permanent.	General.	Permanent.	General.				
1873.												
July 3.....	\$798 58	\$123 85	\$61 43	\$245 69							\$1,228 46	
November 5.....	331 88	34 14	17 07	68 27							841 86	
	1,030 38	158 99	78 49	\$313 96							1,569 83	\$1,569 82

WABASHA COUNTY.

April 25.....	3,609 92	555 87	277 69	1,110 75							5,553 73	
August 11.....	5,332 49	863 46	401 73	1,606 92	\$388 00	1,777 40					10,900 00	
October 30.....	783 84	113 90	56 45	235 79							1,188 98	
November 14.....					1,027 10	21 16					1,048 26	
	9,866 26	1,471 73	785 87	2,943 46	1,415 10	1,798 56					17,930 96	17,930 96

WASECA COUNTY.

July 12.....	3,365 43	500 84	260 42	1,001 68	454 00	2,716 89					6,179 31	
October 31.....	145 11	23 83	11 16	44 64							233 53	
November 12.....					350 00	40 97					390 97	
	3,400 54	523 16	261 63	1,046 32	804 00	2,757 86					8,793 51	8,793 51

STATEMENT "A."—Continued.
WASHINGTON COUNTY.

Date of Payment.	Revenue.	Interest.	Sinking.	State Insti- tutions.	School.		University.		Internal Imp'ment Land.	Interest on Railroad Bonds.	Total.	Grand Total
					Permanent	General.	Permanent.	General.				
1872.												
June 26.....	\$4,445 59	\$683 96	\$341 96	\$1,867 87	\$1,015 64	\$9 298 01					\$10,088 04	
October 28.....	9,085 67	830 87	160 44	641 74	6 80	30 32					3,945 84	
November 29.....					778 23	123 38					900 61	
	6,531 26	1,004 58	503 43	2,009 61	1,800 67	2,880 71					14,329 49	\$14,329 49

WATONWAN COUNTY.

June 3.....	560 54	86 94	43 12	172 47	24 60	1,101 29					9,397 07	
October 24.....	184 47	28 88	14 19	66 76		107 08					800 88	
	746 01	114 82	57 31	239 23	36 60	1,208 37					2,087 95	2,087 95

WINONA COUNTY.

May 14.....	8,894 06	509 22	299 61	1,198 44		83 83					6,074 60	
August 26.....	8,450 00	1,300 00	660 00	2,600 00	750 00	4,083 60					17,903 60	
November 29.....	9,247 53	348 82	172 91	991 64		31 97					2,490 16	
November 29.....					90 00	30 30					110 80	
	14,592 77	2,348 04	1,123 52	4,490 08	840 00	4,198 26					27,478 66	27,478 66

STATEMENT "A."—Continued.
WRIGHT COUNTY.

Date of Payment.	Revenue.	Interest.	Sinking.	State Institution.	School.		University.		Internal Improvement Land.	Int. on Railroad Bonds.	Total.	Grand Total
					Permanent.	General.	Perman't	General.				
1873.												
July 8.....	\$1,476 44	\$237 14	\$113 57	\$454 28	\$701 65	\$2,874 66		\$447 99			\$6,355 73	
October 30.....	488 71	75 19	37 59	150 37		69 37					821 28	
November 29					732 00	415 82	\$388 00	58 65			1,294 50	
	1,965 15	392 33	151 16	604 65	1,493 65	3,059 85	388 00	506 67			8,471 46	\$8,471 76

YELLOW MEDICINE COUNTY.

July 11.....	325 91	50 14	95 07	100 23							501 40	
October 30.....	198 38	29 76	14 58	59 50							297 51	
	519 29	79 89	39 95	159 78							798 91	798 91

MONONGALIA COUNTY.—February Settlement of 1869.

November 29.....	382 44	127 48	127 48								637 40	
	382 44	127 48	127 48								637 40	637 40

MORRISON COUNTY.—June and October Settlements of 1871.

November 29....	694 56	49 63	49 63	198 53							992 64	
November 29....	570 33	40 74	40 74	162 95							814 76	
	1,365 18	90 37	90 37	361 48							1,807 40	1,807 40
Total.....	233,688 16	95,913 19	18,076 29	71,697 31	56,779 70	274,614 60	2,584 50	7,807 52	2,578 48	10,108 43	253,688 08	253,688 08

SUMMARY OF RECEIPTS FROM COUNTIES.—Continued.

Counties.	Revenue.	Interest.	Sinking.	State In- stitutions.	School.		University.		Internal Improvem- ent Land.	Int. on Railroad Bonds.	Inebriate Asylum.	Total.
					Permanent.	General.	Perman't.	General.				
Ramsey.....	\$5,477 68	\$842 72	\$421 36	\$7,685 43	\$1,680 80	\$1,043 78						\$11,498 77
Redwood.....	1,363 16	214 88	107 16	428 66								2,143 81
Renville.....	1,292 74	198 99	99 46	297 76	3,119 80	709 52						4,817 66
Rice.....	11,604 02	1,785 23	592 63	3,670 44	3,649 52	4,449 22						25,851 36
Rock.....	188 81	28 96	14 53	67 92								289 69
St. Louis.....	7,514 36	1,156 06	578 03	2,312 10	1,240 00	741 80						12,302 35
Scott.....	2,435 36	374 67	187 84	749 83								7,601 43
Eberburne.....	1,487 29	224 19	113 10	448 99	1,357 72	740 24						3,217 11
Sibley.....					1,235 60	2,614 78	\$190 00	\$36 46				1,697 28
Stearns.....	8,139 84	1,232 82	628 16	2,604 96	3,570 00	2,963 12						19,064 96
Steele.....	7,009 36	1,078 87	539 18	2,156 72	1,188 52	3,555 63		192 06				16,669 88
Stevens.....	29 88	4 61	3 80	9 19								46 97
Swift.....	80 97	12 81	6 24	24 91								124 69
Todd.....	1,020 88	156 99	78 59	313 96								1,669 82
Wabasha.....	3,666 25	1,411 73	725 57	2,943 46	1,415 10	1,703 55						10,860 76
Waseca.....	3,400 59	825 18	263 68	1,906 33	1,800 00	3,753 86						16,783 41
Washington.....	6,431 06	1,094 83	603 42	2,909 21	1,800 67	1,289 71						13,287 49
Winona.....	14,582 77	2,344 64	67 31	4,693 03	94 60	1,299 27		306 81				27,467 36
Wright.....	1,845 16	292 82	131 16	604 65	1,483 66	3,039 85	388 00	506 67				8,471 46
Yellow Medicine.....	519 29	79 69	89 95	169 76								795 91
Total from Counties.....	\$208,588 16	\$35,913 19	\$18,076 29	\$71,697 21	\$56,770 70	\$114,614 90	\$2,524 50	\$7,807 52	\$2,578 43	\$10,108 43		\$543,688 08
Total from Miscellane- ous sources.....	237,259 98			54,241 51	21,650 16	28,749 75		2,723 64	8,612 53			353,942 51
Total from Counties, less Statement "O".....											\$11,847 56	11,847 55
Grand Totals.....	\$470,848 14	\$35,913 19	\$18,076 29	\$125,944 72	\$78,420 86	\$143,364 35	\$2,524 50	\$10,530 16	\$11,190 96	\$10,108 43	\$11,947 55	\$918,978 09

STATEMENT "B."

Receipts from Miscellaneous Sources.

Date.	From what Source.	Revenue.	Sinking	State Institutions.	School Fund.		General University	Internal Improvement.	Total.
					Perman't	General			
1878.									
April 3.....	Franklin Fire Insurance Company, Philadelphia.....	.....	.....	\$478 92	.....	.....	.....	.....	\$478 92
do	Northwestern National Insurance Company, Milwaukee.....	.....	.....	236 71	.....	.....	.....	.....	236 71
April 4.....	Continental Insurance Company, New York.....	.....	.....	198 16	.....	.....	.....	.....	198 16
do	New England Mutual Life Insurance Company, Boston.....	.....	.....	387 37	.....	.....	.....	.....	387 27
April 6.....	Confidential Life Insurance Company, Hartford.....	.....	.....	27 69	.....	.....	.....	.....	31 69
April 8.....	Railway Passenger Assurance Company, Hartford.....	.....	.....	44 31	.....	.....	.....	.....	44 21
do	Home Insurance Company, New York.....	.....	.....	1,148 10	.....	.....	.....	.....	1,148 10
do	Equitable Life Insurance Company, New York.....	.....	.....	308 64	.....	.....	.....	.....	808 64
do	Globe Mutual Life Insurance Company, New York.....	.....	.....	39 23	.....	.....	.....	.....	89 23
April 10.....	Mutual Life Insurance Company, Newark, N. J.....	.....	.....	994 57	.....	.....	.....	.....	994 57
do	National Life Insurance Company, United States of America.....	.....	.....	99 46	.....	.....	.....	.....	99 46
April 13.....	Metropolitan Life Insurance Company, Hartford.....	.....	.....	416 57	.....	.....	.....	.....	416 57
April 15.....	Y. association Mutual Life Insurance Company, Springfield.....	.....	.....	291 66	.....	.....	.....	.....	291 66
April 17.....	Massachusetts Mutual Life Insurance Company, St. Louis.....	.....	.....	66 83	.....	.....	.....	.....	60 83
do	Covenant Mutual Life Insurance Company, Hartford.....	.....	.....	462 18	.....	.....	.....	.....	462 18
April 24.....	Charter Oak Life Insurance Company, Newark, N. J.....	.....	.....	413 87	.....	.....	.....	.....	418 87
April 26.....	Mutual Benefit Life Insurance Company, Hartford.....	.....	.....	2,839 28	.....	.....	.....	.....	2,880 28
do	Lake Superior and Mississippi Railroad Company, four months.....	.....	.....	113 21	.....	.....	.....	.....	113 61
do	Sulwater and St. Paul Railroad Company, four months.....	.....	.....	183 56	.....	.....	.....	.....	188 65
do	Minneapolis and St. Louis Railroad Company, four months.....	.....	.....	91 51	.....	.....	.....	.....	91 51
do	Minneapolis and Duluth Railroad Company, four months.....	.....	.....	843 33	.....	.....	.....	.....	843 33
April 28.....	New York Life Insurance Company, New York.....	.....	.....	122 16	.....	.....	.....	.....	82 16
do	Brooklyn Life Insurance Company, New York.....	.....	.....	614 00	.....	.....	.....	.....	614 00
April 29.....	Northwestern Telegraph Company, (1,235 miles).....	.....	.....	4,066 92	.....	.....	.....	.....	4,066 92
do	Northern Pacific Railroad Company.....	\$4,390 00	.....	.....	.....	.....	.....	.....	4,390 00
do	Fees received by Insurance Commissioner.....	.....	.....	393 16	.....	.....	.....	.....	398 16
May 2.....	St. Paul, Stillwater and Taylor's Falls Railroad Company.....	.....	.....	443 04	.....	.....	.....	.....	418 08
May 9.....	Liverpool, London and Globe Insurance Company.....	50,000 00	.....	.....	.....	.....	.....	.....	80,000 00
May 19.....	Minnesota 7 per cent. loan, 1878.....	6 00	.....	.....	.....	.....	.....	.....	6 00
do	Sale of old windows.....	.....	.....	9,734 40	.....	.....	.....	.....	9,734 40
do	Southern Minnesota Railroad Company, tax 1871.....	.....	.....	.....	.....	.....	.....	.....	677 00
May 31.....	Fees received by Insurance Commissioner.....	617 00	.....	.....	.....	.....	.....	.....	263 39
June 6.....	Connecticut Mutual Life Insurance Company, Hartford.....	.....	.....	48 40	.....	.....	.....	.....	48 40
June 7.....	Pacific and Atlantic Telegraph Company (121 miles).....	.....	.....	.....	.....	.....	.....	.....	4,664 52
June 11.....	Prison labor (December 31, 1872, to March 30, 1873).....	.....	.....	.....	.....	.....	.....	.....	616 00
June 11.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
June 20.....	Fees received by Insurance Company, Hartford.....	.....	.....	.....	.....	.....	.....	.....	.....
June 20.....	Minnesota 3 per cent. loan, 1878.....	100,000 00	.....	.....	.....	.....	.....	.....	100,000 00
July 1.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

Receipts from Miscellaneous Sources.—Continued.

Date.	From what Source.	Revenue.	Sinking.	State Institu- tions.	School Fund.		General Univer- sity.	Internal Improve- ment.	Total.
					Perman- ent.	General.			
1878.									
July 1.	Interest on Minnesota loan of 1867.	.....	.....	.....	.....	\$3,500 00	.....	.....	\$3,500 00
do	Interest on Minnesota loan of 1868.	.....	.....	.....	.....	3,500 00	.....	.....	3,500 00
do	Interest on Minnesota loan of 1869.	.....	.....	.....	.....	1,750 00	.....	.....	1,750 00
July 8.	Interest on \$159,000 Missouri bonds.	.....	.....	.....	.....	4,770 00	.....	.....	4,770 00
July 9.	Connecticut Mutual Life Insurance Company, Hartford.	.....	.....	.....	.....	.....	.....	.....	256 28
July 11.	Interest on \$353,000 U. S. 6 per cent. currency bonds.	.....	.....	.....	.....	10,650 00	.....	.....	10,650 00
do	Interest on \$87,800 U. S. 5-20 bonds.	.....	.....	.....	.....	2,634 00	.....	.....	2,634 00
do	Premium on same.	.....	.....	.....	.....	385 10	.....	.....	385 10
do	Interest on \$5,000 U. S. 6 per cent. currency bonds.	.....	.....	.....	.....	.....	.....	.....	150 01
July 12.	Hartford Fire Insurance Company, Hartford.	.....	.....	.....	.....	.....	.....	.....	1,003 06
July 14.	U. S. Government (boarding U. S. civil convicts).	.....	.....	.....	.....	.....	.....	.....	334 83
do	Prison labor and rent to June 30, 1873.	.....	.....	.....	.....	.....	.....	.....	2,156 67
do	W. A. Merriam, stumpage, 1871-73.	.....	.....	.....	.....	.....	.....	.....	1,619 85
July 17.	Union Mutual Life Insurance Company, Maine.	.....	.....	.....	.....	.....	.....	.....	22 53
August 1.	Fees received by Insurance Commissioner.	.....	.....	.....	.....	\$1,619 85	.....	.....	602 00
August 6.	Lake Superior and Mississippi Railroad Company, eight months.	.....	.....	.....	.....	.....	.....	.....	10,449 12
do	St. Paul and Stillwater Railroad Company, eight months.	.....	.....	.....	.....	.....	.....	.....	839 98
do	Minneapolis and St. Louis Railroad Company, eight months.	.....	.....	.....	.....	.....	.....	.....	143 14
do	Minneapolis and Duluth Railroad Company, eight months.	.....	.....	.....	.....	.....	.....	.....	167 33
do	Grand Insurance Company, Philadelphia.	.....	.....	.....	.....	.....	.....	.....	69 10
August 26.	W. N. Allen, stumpage, 1871-73.	.....	.....	.....	.....	2,495 75	.....	.....	2,495 75
September 4.	Todd, Connor, Gainer & Co., stumpage, 1871-72.	.....	.....	.....	.....	1,414 23	.....	.....	1,414 23
do	Estiman, Berry & Co., stumpage, 1871-72.	.....	.....	.....	.....	861 68	.....	.....	861 68
September 6.	Home Life Insurance Company, Brooklyn, N. Y.	.....	.....	.....	.....	.....	.....	.....	1,556 60
September 8.	St. Louis Mutual Life Insurance Company, St. Louis.	.....	.....	.....	.....	.....	.....	.....	861 68
September 9.	Houston & Preston, stumpage, 1871-72.	.....	.....	.....	.....	.....	.....	.....	76 22
September 23.	John Frier, stumpage, 1871-72.	.....	.....	.....	.....	.....	.....	.....	426 96
do	United States Government (boarding United States military convicts).	.....	.....	.....	.....	236 80	.....	.....	236 80
October 8.	Prison labor to September 30, 1873.	.....	.....	.....	.....	9,021 14	.....	.....	2,104 15
October 11.	Prison labor to September 30, 1873.	.....	.....	.....	.....	.....	.....	.....	1,791 66
October 13.	Southern Minnesota Railroad Company, tax 1872.	.....	.....	.....	.....	.....	.....	.....	2,318 43
October 18.	Minnesota, 7 per cent. loan of 1873.	.....	.....	.....	.....	.....	.....	.....	9,761 75
October 23.	Fees received by Insurance Commissioner.	.....	.....	.....	.....	.....	.....	.....	30,000 00
October 29.	J. Chas. & Co., stumpage, 1871-72.	.....	.....	.....	.....	.....	.....	.....	1,606 26
November 14.	J. Dean & Co., stumpage, 1872-3.	.....	.....	.....	.....	1,143 89	.....	.....	1,143 89
November 23.	J. Dean & Co., stumpage, 1872-3.	.....	.....	.....	.....	5,087 34	.....	.....	5,087 34
do	Akenney, Robinson & Pettit, stumpage, 1871-2.	.....	.....	.....	.....	341 61	.....	.....	341 61
do		.....	.....	.....	.....	3,698 78	.....	.....	3,698 78

STATEMENT "B."
Receipts from Miscellaneous Sources.—Continued.

Date.	From what Source.	Revenue. \$	Sinking.	State Insti- tutions.	School Fund.		General Univer- sity.	Internal Improve- ments.	Total.
					Perman- ent	General.			
1878.									
Nov. 30.	J. E. Kimball, stampage, 1871-2.				\$1,603 60	\$65 00			\$1,668 60
Nov. 30.	J. B. West, stampage, 1872-3.				200 00				200 00
do	David Toser, stampage, 1872-3.				800 00				800 00
do	For grass sold on School Lands.					482 15			482 15
do	Interest on Minnesota loan, 1873.					583 33			583 33
do	L. Butler & Co., stampage, 1872-3.				708 43		\$515 33		1,223 76
do	United States Government, (boarding U. S. military convicts)	\$1,054 34							1,054 34
do	Richardt, Bray & French, stampage, 1871-2.				500 00				500 00
do	Brown & Brockway, stampage, 1871-2.						400 00		400 00
do	United States Government, percentage on land sales.							\$3,613 53	3,613 53
do	Minnesota 7 per cent. loan of 1873.	80,000 00							80,000 00
do	Illwaukee & St. Paul Railway, additional tax 1871-2.			\$4,968 90					4,968 90
do	Interest on deposited State funds.	7,024 39							7,024 39
	Total.	\$287,369 98		\$54,347 51	\$21,656 10	\$23,749 70	\$2,723 64	\$5,613 53	\$353,243 51

STATEMENT "C."

Received from County Treasurers for Inebriate Asylum Fund.

Name of Counties.	Amount.
Aitken	\$60 00
Anoka	40 00
Becker	60 00
Benton	50 00
Blue Earth	480 00
Brown	227 30
Carlton	60 00
Carver	180 00
Cass	10 00
Chippewa	30 00
Chicago	150 00
Clay	70 00
Cottonwood	50 00
Dakota	480 00
Dodge	190 00
Douglas	100 00
Faribault	160 00
Fillmore	290 00
Freeborn	120 00
Goodhue	440 00
Grant	40 00
Hennepin	1,000 00
Houston	100 00
Isanti	40 00
Kandiyohi	185 00
Lac qui Parle	20 00
Le Sueur	170 00
Lyon	20 00
McLeod	120 00
Meeker	106 50
Morrison	40 00
Mower	180 00
Nicollet	260 00
Olmsted	320 00
Otter Tail	70 00
Pine	20 00
Polk	80 00
Pope	40 00
Ramsey	1,885 00

Redwood.....	79 00
Renville	34 55
Rice	136 65
Rock.....	38 00
St. Louis.....	440 00
Scott	508 00
Stearns	470 00
Steele.....	180 00
Swift	70 00
Todd	10 00
Wabasha	610 00
Waseca.....	180 00
Washington.....	380 00
Wilkin	30 00
Winona.....	670 00
Wright.....	150 00
Watsonwan.....	95 00
Yellow Medicine.....	33 00
Total.....	\$11,847 55

EXPENDITURES FROM APRIL 1ST TO NOVEMBER 29TH, 1873.

Artletam Cemetery, 1867.....	655 00
Gettysburgh Battlefield, 1870.....	1,000 00
State Arms, 1870.....	971 00
Selecting University Lands, 1871.....	86 10
Immigration, 1871.....	15 98
Revising war records, 1871.....	20 00
Salaries of Judges, 1872.....	625 00
Vol. 17 Supr. Court Reports, 1872.....	1,200 00
Supreme Court Contingent, 1872.....	40 95
Printing and Advertising, 1872.....	48 50
Legislative fund, 1872.....	50
Ineane Building, 1872.....	28,000 00
Reform School shops, 1872.....	2,000 00
2d Normal School Support, 1872.....	69 80
Immigration, 1872.....	954 85
Sheriffs' Fund, 1872.....	248 25
Selling State Lands, 1872.....	261 85
Historical Society, 1872.....	6 81
Revising War Records, 1872.....	41 00
Express and mileage, 1872.....	11 90
State arms, 1872.....	4 58
Claim Agency deficiency.....	1,600 00
Insurance Commissioner's salary deficiency, 1872.....	1,250 00
Legislative Fund, 1873.....	14,398 82
Governor's Salary, 1873.....	2,000 00
Auditor's and Land Commissioner's Salary, 1873.....	2,291 68
Secretary's Salary, 1873.....	1,650 00
Treasurer's Salary, 1873.....	2,537 72
Attorney General's Salary, 1873.....	916 67
Adjutant General's Salary, 1873.....	1,875 00
Superintendent Public Instruction's Salary, ...	2,291 67
Railroad Commissioner's Salary, 1873.....	2,250 00
Insurance Commissioners' salary, 1873.....	1,666 63
Librarian's Salary, 1873.....	666 70
Governor's Private Secretary's Salary, 1873.....	1,000 00
Assistant Secretary of State Salary, 1873.....	750 01
Statistician's Salary, 1873.....	816 67
Auditor's Chief Clerk's Salary, 1873.....	1,125 00
Land Clerk's salary, 1873.....	1,100 00
Auditor's extra clerk's salary, 1873.....	511 00
Deputy Treasurer's Salary, 1873.....	1,000 00

Public Instruction Clerk's Salary, 1878.....	1,100 00
Attorney General's Clerk's Salary, 1878.....	183 30
Janitor's Salary, 1878.....	749 30
Night Watch and Engineer's Salary, 1878.....	1,055 50
Military Storekeeper's Salary, 1878.....	300 00
Executive Contingent, 1878.....	2,252 30
Auditor's Contingent, 1878.....	361 73
Secretary's Contingent, 1878.....	349 54
Treasurer's Contingent, 1878.....	251 30
Attorney General's Contingent, 1878.....	771 65
Adjutant General's Contingent, 1878.....	245 25
Public Instruction Contingent, 1878.....	376 48
Railroad Commissioner's Contingent, 1878.....	900 00
Library Contingent, 1878.....	297 36
Supreme Court Contingent, 1878.....	403 51
Clerk Supreme Court Salary, 1878.....	1,000 00
Reporter Supreme Court Salary, 1878.....	550 00
Salaries of Judges, 1878.....	29,999 92
Soldiers' Orphans, 1878.....	12,883 04
Prison Current Expenses, 1878.....	23,500 00
Prison Officers, 1878.....	11,235 99
Prison Buildings, 1878.....	40,000 00
Prison Library, 1878.....	500 00
University Building, 1878.....	15,000 00
Insane Support, 1878.....	54,000 00
Insane Building, 1878.....	100,000 00
Deaf, Dumb and Blind Support, 1878.....	16,000 00
Deaf, Dumb and Blind Building.....	31,000 00
Reform School support, 1878.....	26,000 00
Reform School building, 1878.....	18,000 00
1st Normal School Support, 1878.....	3,150 00
2d " " " 1878.....	7,500 00
3d " " " 1878.....	6,000 00
3d " " building, 1878.....	20,000 00
Printing, Advertising and Binding, 1878.....	12,010 41
Printing Paper, 1878.....	6,000 00
Printing Paper (deficiency 1872).....	1,616 96
Preparing Laws and Journals, 1878.....	600 00
Printing General School Laws, 1878.....	300 00
Interest on Loan, 1878.....	9,333 33
Sheriff's fund, 1878.....	1,492 37
Selling State Lands, 1878.....	2,188 40
Capitol Extension, 1878.....	13,999 96
Repairs of Capitol, 1878.....	3,547 76
Repairs of Capitol, (deficiency 1872).....	447 31
Repairing and furnishing Secretary's office (deficiency 1872).....	655 04
Fuel and Lights, 1878.....	2,117 89
Express and Mileage, 1878.....	278 71
Duluth Harbor, 1878.....	375 00
Training Schools, 1878.....	866 33
Teachers' Institutes, 1878.....	981 10
Historical Society, 1878.....	1,908 23
Agricultural Societies, 1878.....	2,846 15
Geological Survey, 1878.....	2,500 00
Selecting University Lands, 1878.....	149 80
Reward arrest murderer Cook family, 1878.....	400 00
Reward arrest murderer of Youmans, 1878.....	500 00
1st Regt. Minnesota National Guards, 1878.....	600 00
Seed Wheat Certificates, (deficiency 1872).....	16 00
Co. "E" 2d Minn. Vols., 1878.....	373 08
Expenses of Loan, 1878.....	125 00
Messenger Executive Department, 1878.....	190 00

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Marshal Supreme Court salary, 1878.....	44 00
Law Library, 1878.....	745 60
Vol. 18 Supreme Court Reports, 1878.....	1,200 00
Rent of Governor's House, 1878.....	850 00
Rent of Arsenal, 1878.....	450 00
Brown county criminal case, (1867 and 1870,) 1878	8,079 00
Medical examination of P. Woertz, 1878.....	150 00
Prison Reform Commissioners, 1878	800 00
State Board of Equalization, 1878.....	100 00
Revised Statutes, 1878.....	197 50
Bridge examiners, (Pomme de Terre river) 1878	51 00
Arrest of Thomas J. Sutton, 1878.....	28 00
Administering oaths, 1878.....	87 50
Todd County, (expenses small pox case) 1878.....	72 50
Charles Weidewitsch, (loss of arm) 1878.....	1,000 00
Julius Emme, (loss of arm) 1878.....	1,000 00
John Pettijohn, 1878.....	600 00
George W. Barlow, 1878.....	555 25
M. V. Nicols, 1878	500 00
Gilfillan & Williams, 1878.....	200 00
Morris Lamprey, 1878.....	25 00
Gilbert Dutcher, 1878	150 00
A. J. Hill, 1878.....	50 00
Appropriations for bridges, 1878.....	5,850 00
Permanent School Fund, (Loan of 1873) 1878.....	198,000 00
General School Fund, (School apportionments) 1878.....	147,140 62
Permanent University, (Loan of 1873).....	12,000 00
General University Fund.....	10,654 25
Internal Improvements.....	8,800 00
Interest on Railroad Bonds.....	9,170 00
Inebriate Asylum Fund.....	10,235 88
Total.....	\$981,271 64

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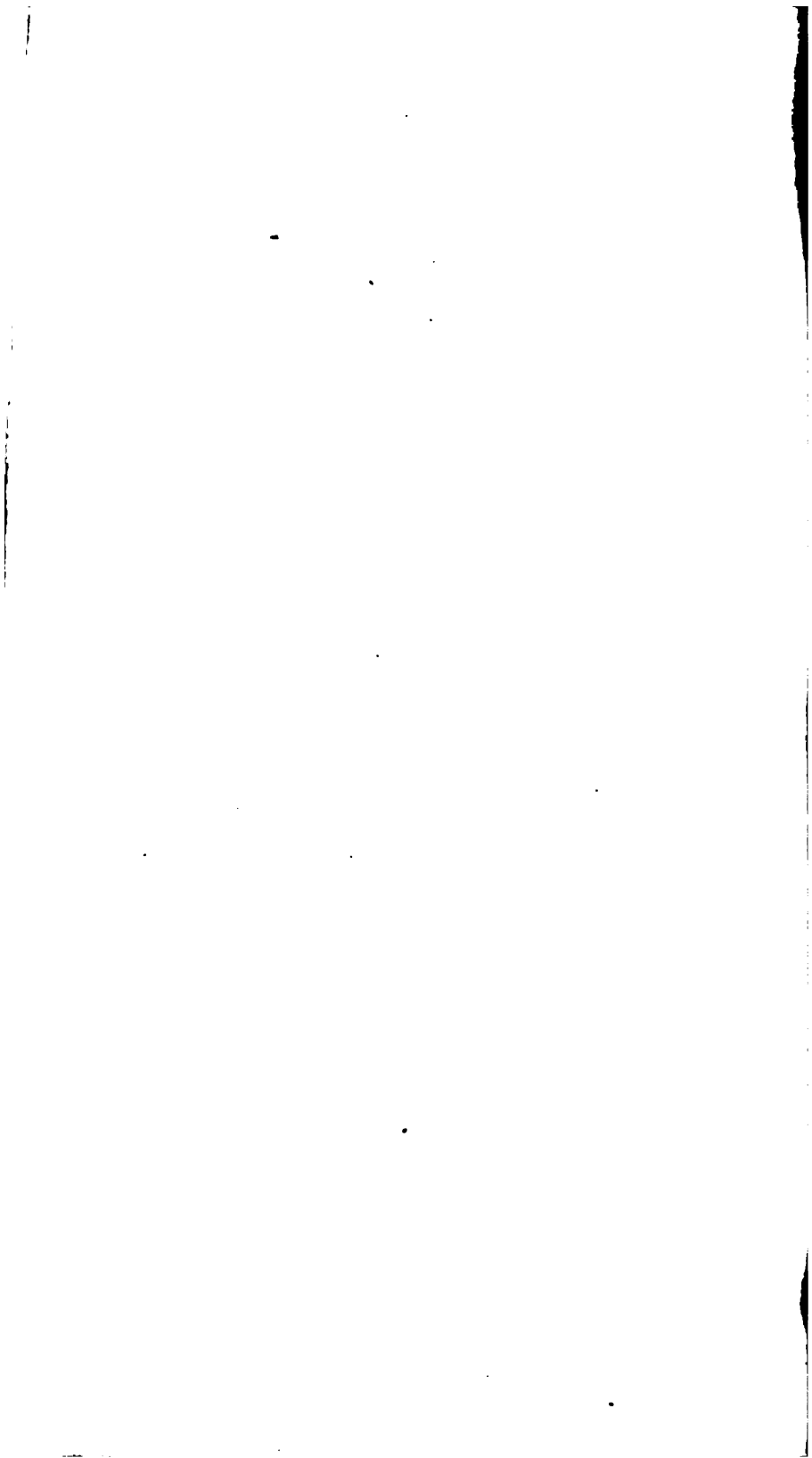
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